



Ohio Legislative Service Commission

Final Analysis

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and other LSC staff

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(Excluding appropriations, fund transfers, and similar provisions)**

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* Corrects the entry regarding the registration of all-purpose vehicles.

** See the Legislative Service Commission's Budget in Detail (spreadsheet) and Comparison Document, As Enacted versions, for analysis of such provisions.

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DEPARTMENT OF TRANSPORTATION

- Allows ODOT to construct and operate new capacity toll projects subject to Transportation Review Advisory Council selection process and approval from the newly created seven-member Ohio Transportation Finance Commission, requires toll projects to become toll-free when any bonds are paid, allows the Director to adopt rules for the control of traffic on toll projects, requires the State Highway Patrol to police toll projects and enforce the rules of the Director that are punishable as criminal offenses, creates the Ohio Toll Fund in the state treasury, and grants other authority necessary for the operation of toll projects.
- Removes authority to use the Highway and Transit Infrastructure Bank Fund, the Aviation Infrastructure Bank Fund, and the Rail Infrastructure Bank Fund (all within the State Infrastructure Bank) to pay debt service on obligations whose proceeds have been deposited into the Infrastructure Bank Obligations Fund (federal GARVEE bonds).
- Permits the Director to grant a lease, easement, or license in a transportation facility to a utility service provider for the construction, placement, or operation of an alternative energy generating facility.
- Permits the Director to issue a permit to any individual, firm, or corporation for any use of a road or highway on the state highway system that is consistent with applicable federal law or federal regulations.
- Provides that goods or services may be sold within interstate highway rest areas as may be authorized by applicable federal law or federal regulations.
- Permits the Director of Transportation to enter into agreements with an agency of the United States government for the purpose of dedicating staff to the review of environmentally related documents submitted by ODOT that are necessary for the approval of federal permits, and requires the Director to submit a request to the Controlling Board indicating the amount of the agreement, the services to be

performed by the federal agency, and the circumstances giving rise to the agreement.

- Removes from codified law the requirement that OBM make periodic transfers to the Deputy Inspector General for ODOT Fund from ODOT's appropriation for general administrative purposes in favor of a general statement that the fund is to consist of money credited to the fund for the payment of costs incurred by the Deputy Inspector General for the Department of Transportation in performing the Deputy Inspector General's duties.
- Replaces a requirement that ODOT's confidential cost estimate for a construction project be publicly read prior to the opening of the bids with a requirement that the total amount of such an estimate be published after all bids have been received.
- Through June 30, 2011, replaces the provision of law limiting the total dollar value of ODOT design-build contracts to \$250 million per biennium with an overall limit of one billion dollars for such contracts.
- Until July 1, 2011, allows ODOT to use a value-based selection process, combining technical qualifications and competitive bidding elements (including consideration for minority or disadvantaged businesses that may include joint ventures), when letting special projects that contain both design and construction elements into a single contract; requires the Director to issue a report on the use of the process to the chair and ranking minority members of the House and Senate committees that deal with transportation issues.
- Increases from \$2,000 to \$5,000 the maximum value a surplus parcel of ODOT real property that can be sold at public auction to the highest bidder without regard to the appraised value if an abutting landowner chooses not to buy the parcel.
- Provides that the Director of Transportation may grant leases, easements, and licenses for lands under ODOT control independent of any lease or lease-purchase the Director may execute for all or part of a transportation facility.
- Requires ODOT to compile and produce a report on the financial and policy implications of the Department assuming primary responsibility for all state routes throughout Ohio regardless of local government jurisdiction.
- Requires aircraft registration fines to be deposited into the Airport Assistance Fund rather than the General Revenue Fund.

- Removes from the listing of aircraft exempt from the annual aircraft license tax, a reference to aircraft "operated under a certificate of convenience and necessity issued by the civil aeronautics board" or its successor.
- Changes the annual aircraft license tax imposed on commercial cargo aircraft.
- Requires the Director of Transportation to establish a traffic generator sign program.
- Requires ODOT and the Rail Development Commission to include all federally designated high-speed rail corridors in Ohio and all passenger rail corridors in the Ohio Hub Study in any overall programmatic environmental impact study.
- Adds an additional member to the 14-member Rail Development Commission.
- Would have required the Director of Transportation to include in rules the issuance of a continuing annual overweight vehicle permit (VETOED).
- Would have prohibited ODOT from imposing the overweight and overdimension permit fee increases that are scheduled to take effect July 1, 2009, and would have required the fees that took effect March 1, 2009, to remain in effect until July 1, 2010, when ODOT would have been permitted to amend the administrative rule that contains those fees to increase the fees (VETOED).
- Increases from 55 miles per hour to 65 miles per hour the speed limit applicable to motor vehicles weighing more than 8,000 pounds when empty and to noncommercial buses on interstate freeways on which other motor vehicles can be legally operated at 65 miles per hour.
- Would have required the Director of Transportation, at any location on a state highway where the posted speed limit decreases by 20 or more miles per hour, to establish a speed transition zone consisting of at least the preceding 1,000 feet, and would have required speed transition zones to be marked by appropriate signs (VETOED).
- Would have prohibited ODOT from erecting a guardrail or any other barrier that blocks or otherwise interferes with the only right-of-way to a parcel of land; would have required ODOT to remove promptly any such guardrail or other barrier; and would have provided that if ODOT failed to do so, the owner or occupier of the land might remove the guardrail or other barrier at ODOT's expense (VETOED).
- Requires expenditures for capital improvements for the development of passenger rail to be approved by at least five of the seven members of the Controlling Board, including at least two of the Board members appointed by the President of the

Senate and two of the Board members appointed by the Speaker of the House of Representatives.

- Would have required ODOT to erect and maintain one sign each in the rights-of-way of the northbound and southbound roadways of the State Route 33 bypass approaching each exit to the city of Lancaster that read "Historic Downtown Lancaster Museum District" and the approximate distance (VETOED).

Tolling authority

(R.C. 5531.11 through 5531.18 and 5531.99)

Overview

The act establishes procedures for the Department of Transportation to construct and operate toll projects at locations first approved by the Director of Transportation and subsequently approved by the Ohio Transportation Finance Commission (OTFC), which the act creates. In general, toll projects are made subject to the Transportation Review Advisory Council (TRAC) approval process for major new construction projects.

To the extent permitted by federal law,¹ the act allows the Director to fix, revise, charge, and collect tolls for each toll project. Money received from tolls must be deposited into the Ohio Toll Fund, which the act creates in the state treasury. The act allows the Director to adopt rules for the control of traffic on toll projects and requires the State Highway Patrol to police toll projects and enforce the toll-related rules of the Director that are punishable as criminal offenses. The act requires ODOT to make an annual report of its toll project activities for the preceding calendar year to the Governor and the General Assembly. As described below, the act also grants other authority necessary for the operation of toll projects.

Guidelines

(R.C. 5531.11 and 5531.12)

In order to remove handicaps and hazards on Ohio highways, to facilitate vehicular traffic, to promote development, and to provide for the general welfare of citizens, the act authorizes the Ohio Transportation Finance Commission to approve toll projects at locations approved by the Director of Transportation. However, any toll project must be developed and submitted for selection in accordance with the policies

¹ 29 U.S.C.A. § 129 establishes the guidelines for federal participation in toll highways, which, in general, relate to highways other than highways on the Interstate System.

and procedures of the major new capacity selection process of TRAC (based upon strategic initiatives developed by the Director, TRAC, consisting of six appointed members and the Director, has established policies and procedures to prioritize major new construction projects). In accordance with the provisions of the act, toll projects may be constructed, improved, or reconstructed as ODOT may from time to time determine.

The act establishes that tolls are not permitted to be charged on existing nontoll highways and also specifies that any revenue derived from toll projects must be used only for purposes of the toll project and cannot be expended for any purpose other than as provided in the Ohio Constitution provision restricting highway-related fees and taxes to specified highway-related purposes (Section 5a of Article XII, Ohio Constitution).

The act defines "toll project" as any project that adds new capacity, including construction on existing highways, bridges, or tunnels where construction increases the total number of lanes, including toll and nontoll lanes, and does not decrease the total number of nontoll lanes at each mile. "Toll project" also includes new interchanges constructed for economic development purposes connecting an interstate highway or a multi-lane, fully controlled-access highway, and any new high occupancy lane or new highways connecting an intermodal facility, under ODOT's jurisdiction.

The toll projects authorized by the act are part of the state highway system. Each toll project may be separately designated, by name or number, and is considered a state infrastructure project for all purposes of the State Infrastructure Bank and also is a transportation facility under continuing ODOT law.

Ohio Transportation Finance Commission

(R.C. 5531.12(B) through (F))

Creation and terms of office

The act creates the Ohio Transportation Finance Commission (OTFC) within the Department of Transportation. The OTFC consists of seven members as follows:

- (1) Two members appointed by the Governor;
- (2) The Director of Development, or the director's designee, who is a nonvoting ex officio member and must serve without compensation;
- (3) Two members appointed by the President of the Senate, who must have experience relevant to approving toll projects, including expertise in finance,

engineering, statewide planning, economic development, logistics, or land use planning;

(4) Two members appointed by the Speaker of the House of Representatives, who must have the same relevant experience as the members appointed by the Senate President.

No member of the General Assembly may be a member of the OTFC. The act requires the Governor, Speaker, and Senate President to consult with each other in making their appointments so that from the total number of six appointed members, at least two are affiliated with the major political party not represented by the Governor. In making the Governor's appointments, the Governor must appoint persons who reside in different geographic areas of the state. The members appointed by the Governor must be residents of the state and must serve terms of five years commencing on July 1 and ending on June 30. The members appointed by the Senate President or the Speaker must serve a term of the remainder of the General Assembly during which the member is appointed. The Governor must appoint one of the members as chairperson and another as vice-chairperson and must appoint a secretary-treasurer, who need not be a member of the Commission. Four of the members of the OTFC constitute a quorum, and the affirmative vote of four voting members is necessary for any action taken by the OTFC. No vacancy in the membership of the OTFC impairs the rights of a quorum to exercise all of its rights and perform all its duties. Appointed members cannot have a conflict of interest with their positions. For these purposes, the act defines "conflict of interest" as taking any action that violates any provision of Chapter 102. (Public Officer Ethics) or 2921. (Offenses against Justice and Public Administration) of the Revised Code.

The act addresses vacancies, reappointment, and allows the Governor, the Senate President, or the Speaker at any time to remove their respective appointees for misfeasance, nonfeasance, or malfeasance in office. Each appointed member serves without compensation but must be reimbursed for the member's actual and necessary expenses incurred in the performance of the member's duties.

Duties

Upon selection of a toll project by the Transportation Review Advisory Council, the Director of Transportation is required to submit a toll proposal for the project to the OTFC. The OTFC must review the toll proposal for the project and either approve it, disapprove it, or suggest modifications to it. Approval for any toll proposal must be made by an affirmative vote of four of the six voting members of the Commission.

The act requires the Director of Transportation to adopt rules pursuant to the Administrative Procedure Act governing the OTFC duties, the frequency of OTFC meetings, compensation for each appointed member, and any rules necessary for the planning, development, and implementation of toll projects and the collection of tolls. At the request of the OTFC chairperson, ODOT must provide staff assistance and office space for the OTFC. The rules must include a requirement that the OTFC hold at least three public hearings prior to voting on whether to approve a toll project.

Toll projects

(R.C. 5531.11, 5531.13(A), (B), and (C), 5531.16(A), (B), (C), and (D), 5531.17, and 5531.18)

The act authorizes the Director to do all of the following as determined to be necessary, convenient, or proper for toll projects: (1) acquire and dispose of any public or private property or property interests, (2) enter into contracts for the construction, improvement, repair, maintenance, administration, or operation of toll projects, and (3) enter into any professional contracts. In each case, the act requires the Director to act in the same manner as under specified continuing law provisions governing similar actions by the Director.

Under the act, each toll project must be (1) maintained and kept in good condition and repair by ODOT, (2) operated by toll collectors and other employees and agents that ODOT employs or contracts for, and (3) policed by the State Highway Patrol, including enforcement of all ODOT rules that relate to the operation and use of vehicles on a toll project and that are punishable as criminal offenses.

The act requires the Director to establish a procedure for a political subdivision or other governmental agency or agencies to submit a written application to the Director requesting ODOT to construct and operate a toll project within the boundaries of the subdivision, agency, or agencies making the request. The procedure must include a requirement that the Director send a written reply to the subdivision, agency, or agencies explaining the disposition of the request. The procedure does not become effective unless it is approved by the Ohio Transportation Finance Commission. The Governor vetoed a reference to submitting the application in accordance with law that would have established transportation innovation authorities because these entities were not included in the act.

ODOT expressly is not required to pay any state or local taxes or assessments upon any toll project, or upon revenues or any property acquired or used by ODOT or upon the related income. The act requires that an action for damages against the state

for any public or private property damaged or destroyed in carrying out the toll-related powers must be filed in the Court of Claims.

All governmental agencies (defined as any state or federal agency, political subdivision, or other local, interstate, or regional governmental agency, and any combination of those agencies) are authorized by the act to lease, lend, grant, or convey to ODOT at its request, any property, including public roads and other property already devoted to public use, that is necessary or convenient to effectuate the tolling purposes of the act. The terms may be any that the proper authorities of the governmental agencies consider reasonable and fair, without the necessity for an advertisement, order of court, or other action or formality, other than the regular and formal action of the authorities concerned.

The act establishes that each bridge constituting part of a toll project is considered a bridge on the state highway system for purposes of continuing law provisions governing inspection and maintenance responsibilities.

Collection and use of tolls

(R.C. 5531.11, 5531.13(D), and 5531.14(A), (B), (C), and (D))

To the extent permitted by federal law, the act allows the Director to fix, revise, charge, and collect tolls for each toll project. The act defines "tolls" as tolls, special fees or permit fees, or other charges by ODOT to the owners, lessors, lessees, operators of motor vehicles, or other users of a toll project for the operation or use of or the right to operate on a toll project. In accordance with the Administrative Procedure Act, the act requires the Director to establish a plan, schedule, or system of tolls or charges and to declare the purpose, amount, and duration of the tolls or charges. Any proposal to implement a toll or other charge may include a plan, schedule, or system of tolls or charges that is subject to adjustment by the Director within and in accordance with that plan, schedule, or system.

The act requires tolls to be so fixed and adjusted as to provide funds at least sufficient with other revenues of the Ohio transportation system, if any, to pay: (1) any bond service charges on obligations issued to pay costs of one or more toll projects as the charges become due and payable, and (2) the cost of maintaining, improving, repairing, constructing, and operating toll projects within the state highway system and its different parts and sections, and to create and maintain any reserves for those purposes. The "state highway system" is broadly defined to include all existing and future transportation projects constructed, operated, repaired, maintained, administered, and operated under ODOT's jurisdiction, including toll projects and highway projects.

Tolls may be pledged to the repayment of obligations in the bond proceedings for those obligations and must be a pledged receipt for those obligations to the extent pledged in those bond proceedings. Tolls also may be used for the acquisition of property or pursuant to contracts to the same extent permitted with respect to obligations.

The act authorizes ODOT to use a system for toll collection that is capable of charging an account holder the appropriate toll or charge by transmission of information from an electronic device on a motor vehicle to the toll lane, which information is used to charge the account holder the appropriate toll or charge.

Ohio Toll Fund

(R.C. 5531.13(D) and 5531.14(E) and (F))

Money received by ODOT from tolls must be deposited to the credit of the Ohio Toll Fund, which the act creates in the state treasury. The act permits the Treasurer of State to establish separate subaccounts within the Ohio Toll Fund as determined to be necessary or convenient to pay costs of constructing, improving, repairing, maintaining, administering, and operating a toll project within the state highway system. Any remaining money deposited into the Ohio Toll Fund must be used at the discretion of the Director to support construction, improvement, repair, maintenance, administration, and operation costs for approved toll projects and highway projects within one mile of a toll project. All investment earnings of the fund are to be credited to the fund. Accounts within the Ohio Toll Fund may be used for the acquisition of property or pursuant to contracts to the same extent permitted with respect to obligations.

The issuing authority for the bonds must certify or cause to be certified to ODOT and the Office of Budget and Management the amounts required during the current fiscal year to meet all bond service charges, costs of credit enhancement facilities, other financing costs, and any other amounts required under the bond proceedings, and each such amount is to be set forth separately. The certification must be made by July 15 each year, and supplemental certifications must be made for each bond service payment date and at any other times provided in the bond proceedings or required by ODOT or the Office of Budget and Management. Money received from tolls and other pledged receipts must be deposited to the credit of the bond service fund at such times and in such amounts as are necessary to satisfy the payment requirements of the bond proceedings. When all bonds issued in connection with any toll project and the interest on the bonds have been paid, or a sufficient amount for the payment of all such bonds and the interest on the bonds to the maturity of the bonds has been set aside in trust for the benefit of the bondholders, the act requires that a toll project must be operated,

improved, and maintained by ODOT as a part of the state highway system and must be free of tolls.

Authority related to toll projects

(R.C. 5531.11, 5531.14(A), 5531.15(A), (B), (C), and (D), and 5531.99)

The act authorizes the Director to contract with any person or governmental agency to use any part of the toll project for telephone, electric light, or power lines, service facilities (service stations, restaurants, and other facilities for food service, roadside parks and rest areas, parking, camping, tenting, rest, and sleeping facilities, hotels or motels, and all similar and other facilities providing services to the traveling public in connection with the use of a toll project and owned, leased, licensed, or operated by ODOT), or for any other purpose. The act specifies, however, that no toll, charge, or rental may be made for placing equipment or public utility facilities that are necessary to serve service facilities or to interconnect any public utility facilities.

The act authorizes the Director, in accordance with the Administrative Procedure Act, to adopt such rules as the Director considers advisable for the control and regulation of traffic on any toll project, for the protection and preservation of property under the jurisdiction and control of ODOT, for the maintenance and preservation of good order within the property under its control, and for the purpose of establishing owner or operator liability for failure to comply with toll collection rules. The rules must provide that public police officers must be afforded ready access to all property under ODOT's jurisdiction, without the payment of tolls, while the officers are in the performance of their official duties.

The act prohibits any person from violating any ODOT rule described above and establishes penalties for violations of the rules. In general, whoever violates such a rule is guilty of a minor misdemeanor on a first offense; on each subsequent offense such person is guilty of a misdemeanor of the fourth degree. When the violation is a civil violation for failure to comply with toll collection rules, the person is subject to a fee or charge established by ODOT by rule. All fines collected for the violation of applicable laws of the state and the rules of ODOT or money arising from bonds forfeited for such violation must be disposed of in accordance with continuing law governing the disposition of fines from persons apprehended or arrested by the State Highway Patrol, with a portion credited to the General Revenue Fund (after sufficient revenue is credited to the Security, Investigations, and Policing Fund to support specific activities of the Patrol), a small portion credited to the Trauma and Emergency Medical Services Grants Fund, and the remainder distributed based on the court that imposes the fine (R.C. 4501.11 and 5503.04, not in the act). All fees or charges assessed by ODOT against

an owner or operator of a vehicle as a civil violation for failure to comply with toll collection rules are declared to be revenues of ODOT.

New Generation Infrastructure Bank Funds

(R.C. 5531.09)

Continuing law creates the State Infrastructure Bank (SIB) and authorizes the Director of Transportation to use the resources of the SIB for both financing state projects and providing financial assistance to local and private projects. The SIB consists of several funds: (1) the Highway and Transit Infrastructure Bank Fund, (2) the Aviation Infrastructure Bank Fund, (3) the Rail Infrastructure Bank Fund, and (4) the Infrastructure Bank Obligations Fund. These various funds within the SIB consist of federal grants and awards or other federal assistance received by the state, payments received by ODOT in connection with providing financial assistance for qualifying projects, and the proceeds of obligations issued by the Treasurer of State.

The act removes from prior law the authority to use the Highway and Transit Infrastructure Bank Fund, the Aviation Infrastructure Bank Fund, and the Rail Infrastructure Bank Fund to pay debt service on obligations whose proceeds have been deposited into the Infrastructure Bank Obligations Fund (federal GARVEE bonds).

ODOT and alternative energy facility service providers

(R.C. 5501.03 and 5501.311)

The act requires ODOT to cooperate with and assist the Ohio Power Siting Board in the administration of the Board's duties relative to the issuance of construction certificates for construction of major utility facilities in this state. Also, in accordance with ODOT's statutory duty to take certain steps to conserve energy and to further efforts to promote energy conservation and energy efficiency, the act authorizes the Director to grant a lease, easement, or license in a transportation facility to a utility service provider that has received its certificate from the Ohio Power Siting Board or appropriate local entity for construction, placement, or operation of an alternative energy generating facility. Such an interest is subject to all of the following conditions:

(1) The transportation facility is owned in fee simple or easement by the state of Ohio at the time the lease, easement, or license is granted to the utility service provider.

(2) The lease, easement, or license must be granted on a competitive basis in accordance with policies and procedures to be determined by the Director. The policies and procedures may include provisions for master leases for multiple sites.

(3) The alternative energy generating facility must be designed to provide energy for ODOT's transportation facilities with the potential for selling excess power on the power grid, as the Director may determine is necessary for highway or other departmental purposes.

(4) The Director must require indemnity agreements in favor of ODOT as a condition of any such lease, easement, or license. Each indemnity agreement must secure this state from liability for damages arising out of safety hazards, zoning, and any other matter of public interest the Director considers necessary.

(5) The alternative energy service provider fully complies with any permit issued by the Ohio Power Siting Board and complies with continuing law pertaining to use of ODOT land that is the subject of the lease, easement, or license.

(6) All plans and specifications must meet with the Director's approval.

(7) Any other conditions the Director determines necessary.

Money ODOT receives under these alternative energy provisions must be deposited into the state treasury to the credit of the Highway Operating Fund.

Under continuing law, a lease, easement, or license in a transportation facility granted by the Director to a telecommunications service provider is deemed to further the essential highway purpose of building and maintaining a safe, efficient, and accessible transportation system. The act deems a lease, easement, or license granted by the Director to an alternative energy service provider to further the same purpose but changes "efficient" to "energy-efficient" with respect to both telecommunications facilities and alternative energy generating facilities.

Issuance by ODOT of permits to use or occupy state roads

(R.C. 5515.01)

Under continuing law, an individual, firm, or corporation may submit an application to the Director for a permit to use or occupy a portion of a road or highway that is part of the state highway system, so long as the use or occupation will not inconvenience the traveling public. A number of conditions apply to such permits, including the requirement that the occupancy of the road or highway be in the location that the Director prescribes. The act eliminates this condition and provides that the Director may issue a permit to any individual, firm, or corporation for any use of a road or highway on the state highway system that is consistent with applicable federal law or federal regulations.

Prior law also provided that as a condition precedent to the issuance of a permit to a telecommunications service provider, the Director had to require the applicant to provide proof that it was a party to a lease, easement, or license for the construction, placement, or operation of a telecommunications facility in or on a transportation facility. The act modifies this provision by providing that as a condition precedent to the issuance of any permit for telecommunications facilities or carbon capture and storage pipelines, the Director must require the applicant to provide proof that it is a party to a lease, easement, or license for the construction, placement, or operation of such facility or pipeline in or on a transportation facility.

Commerce at interstate highway rest areas

(R.C. 5515.07)

The Director of Transportation has adopted rules consistent with the safety of the traveling public and consistent with the national policy governing the use and control of rest areas within the rights of way of interstate highways and other state highways and in other areas within the rights of way of interstate highways. Generally, no person may sell, offer for sale, or exhibit for purposes of sale, goods, products, merchandise, or services within the bounds of rest areas within the rights of way of interstate highways and other state highways, or in other areas within the rights of way of interstate highways, unless the Director has issued the person the proper permit. The one exception to this provision is vending machines, which may be placed within each rest area that is able to accommodate the machines.

The act provides that goods, products, merchandise, or services may be sold within the bounds of rest areas within the rights of way of interstate highways and other state highways, or in other areas within the rights of way of interstate highways, as may be authorized by applicable federal law or federal regulations; this could include sales by local authorities and private entities.

Agreements by ODOT with the federal government concerning the review of environmentally related documents

(Section 755.10)

The act allows the Director of Transportation to enter into agreements with the United States or any U.S. department or agency solely for the purpose of dedicating staff to the expeditious and timely review of environmentally related documents submitted by ODOT, as necessary for the approval of federal permits. Such an agreement may include provisions for advance payment by ODOT for labor and all other identifiable costs of providing services by the United States or any U.S. department or agency as may be estimated by the United States or the department or

agency. The act specifically includes the U.S. Army Corps of Engineers, the U.S. Forest Service, the U.S. Environmental Protection Agency, and the U.S. Fish and Wildlife Service as federal agencies with which the Director may enter into agreements, but does not limit the Director's authority to those agencies. The Director must submit a request to the Controlling Board indicating the amount of the agreement, the services to be performed by the United States or the U.S. department or agency, and the circumstances giving rise to the agreement.

Financing the operations of the Deputy Inspector General for ODOT

(R.C. 121.51; Sections 512.40 and 812.30)

The Deputy Inspector General for the Department of Transportation is required to investigate wrongful acts or omissions by ODOT employees and to conduct a program of random review of the processing of contracts associated with building and maintaining the state's infrastructure.

Formerly the Inspector General was required to certify to the Director of Budget and Management the costs that the Inspector General expected the Deputy Inspector General to incur during the fiscal year or such lesser period for which the certification is made. The Director of Budget and Management was required then to transfer the certified amount to the Deputy Inspector General for ODOT Fund from the appropriation made to ODOT from which expenditures for general administrative purposes were made. Effective April 1, 2009, the act replaces these codified provisions for getting money into the fund with a general statement that the Deputy Inspector General for ODOT Fund is to consist of money credited to it for the payment of costs incurred by the Deputy Inspector General in performing the Deputy Inspector General's duties. (An uncodified section of the act provides for transfers of cash to the Deputy Inspector General for ODOT Fund from the Highway Operating Fund during the FY 2010-2011 biennium.)

Publishing ODOT's confidential construction cost estimates

(R.C. 5525.15)

Continuing law allows the Director of Transportation to keep ODOT's cost estimate for a construction project confidential until after project bids have been received; once the bids have been received, prior law required that ODOT's cost estimate had to be publicly read prior to the opening of the bids. The act replaces the requirement that the cost estimate be publicly read prior to the opening of the bids with a requirement that the total amount of such an estimate be published after all bids have been received.

Design-build authority of ODOT

(R.C. 5517.011; Section 756.35)

Continuing law temporarily suspended by the act authorizes the Director of Transportation to combine the design and construction elements of a highway or bridge project into a single contract in order to expedite the sale and construction of special projects. The director prepares and distributes a scope of work document upon which the bidders base their bids. Except in regard to those requirements relating to providing plans, the director must award these design-build contracts in accordance with ODOT's general competitive bidding law. For each biennium, the total dollar value of contracts made cannot exceed \$250 million.

Through June 30, 2011, the act replaces the limit on the total dollar value of ODOT design-build contracts of \$250 million per biennium with a one billion dollar total limit on such contracts. After that date, the \$250 million per biennium limit is restored unless the General Assembly authorizes a different limit.

Notwithstanding any provision of ODOT contract law (Chapter 5525. of the Revised Code), until July 1, 2011, the act allows the Director of Transportation to use a value-based selection process, combining technical qualifications and competitive bidding elements, including consideration for minority or disadvantaged businesses that may include joint ventures, when letting special projects that contain both design and construction elements of a highway or bridge project into a single contract.

Not later than January 20, 2011, the Director of Transportation must present a report to the respective chairs and ranking minority members of the House of Representatives and Senate committees that deal with transportation issues. The report must identify each project for which the Director used a value-based selection process, must evaluate the effect of the value-based selection process on the cost and timetable for completing the project, and must make recommendations for renewing or modifying the use of a value-based selection process.

Sale of excess ODOT real property having a low market value

(R.C. 5501.34)

Under law generally retained by the act, if ODOT real property that was not needed for highway purposes was appraised or reappraised as having a fair market value of \$2,000 or less and ODOT was unable to sell the real property to the abutting owner or owners, the Director of Transportation could advertise the sale of the real property in accordance with existing sale advertising procedures. The Director could sell the land at public auction to the highest bidder without regard to its appraised

value, but the Director could reject all bids that were less than the full appraised value of the real property.

The act retains this provision, but increases the maximum fair market amount of this provision from \$2,000 to \$5,000.

Granting of leases, easements, and licenses for lands under ODOT control

(R.C. 5501.311)

Law generally retained by the act permits the Director of Transportation to lease or lease-purchase all or any part of a transportation facility to or from one or more persons, one or more governmental agencies, a transportation improvement district, or any combination of one or more persons and these entities, and, in conjunction with such a lease or lease-purchase, to grant leases, easements, or licenses for lands under the control of ODOT.

The act eliminates the phrase "in conjunction therewith" so that the Director may grant leases, easements, or licenses for lands under the control of ODOT independent of any lease or lease-purchase the Director may execute relative to all or part of a transportation facility.

ODOT report on state route responsibility

(Section 755.50)

The act requires ODOT to compile and produce a report on the financial and policy implications of ODOT assuming primary responsibility for all state routes throughout Ohio regardless of local government jurisdiction, such as those portions of state routes that are located within municipal corporations (which under continuing law are the responsibility of the respective municipal corporations). The report must review the range of possible participation in the paving and maintenance of these routes by ODOT. ODOT must submit the report to the Speaker and Minority Leader of the House of Representatives, the President and Minority Leader of the Senate, and the Governor not later than December 15, 2009.

Aircraft licensing

Disposition of fine imposed for failure to register aircraft

(R.C. 4561.21; R.C. 113.08, 113.09, and 4561.22, not in the act)

An owner of an aircraft that is based in Ohio generally must register that aircraft with ODOT. An owner that fails to do so is subject to a fine of not more than \$500 for

each violation. Any such fines collected, under former law, were deposited into the General Revenue Fund. The act requires the Director of Transportation to instead deposit fines into the state treasury to the credit of the Airport Assistance Fund to be used for maintenance and capital improvements to publicly owned airports.

Aircraft exempt from annual license tax

(R.C. 4561.17 and 4561.18)

With specified exceptions, law generally retained by the act imposes an annual registration tax on all general aviation aircraft based in Ohio of \$15 per seat, \$15 for a glider or a balloon, and \$750 per aircraft for commercial cargo aircraft; the tax revenue is deposited into the Airport Assistance Fund. One of the exceptions to this registration tax was for "[a]ircraft operated under a certificate of convenience and necessity issued by the civil aeronautics board or any successor to that board." The Civil Aeronautics Board no longer exists and its successor, the Federal Aviation Administration, does not issue certificates of convenience and necessity; rather, the United States Secretary of Transportation (who is not the successor to the Civil Aeronautics Board) issues a certificate of convenience and necessity to a citizen to provide air transportation based on a finding that the citizen is "fit, willing, and able to provide the transportation" and that "the transportation is consistent with the public convenience and necessity" (49 U.S.C.A. § 41102). The act eliminates the annual license tax exception for "[a]ircraft operated under a certificate of convenience and necessity issued by the civil aeronautics board" or its successor.

Commercial cargo aircraft license tax

(R.C. 4561.18; Section 812.40)

Under continuing law, the owner of any aircraft that is based in Ohio, unless otherwise exempted, must register the aircraft with ODOT. Each registration must be accompanied by the proper license tax. Under former law, the annual license tax imposed on a commercial cargo aircraft was \$750. Effective April 1, 2009, the act changes the amount of the tax to an amount equal to \$15 per seat, based on the manufacturer's maximum listed seating capacity.

Traffic generator sign program

(R.C. 4511.108)

The act requires the Director of Transportation to adopt rules under the Administrative Procedure Act to establish a traffic generator sign program and to set forth the specifications for a uniform system of traffic generator signs and the criteria

for participation in the program in its traffic engineering manual. The act requires ODOT to operate, construct, and maintain the program. The Director is required to establish an annual fee to be charged for a qualifying private business to participate in the traffic generator sign program and is authorized to revise the fee at any time. Money from the fees must be remitted to the Department.

The Governor vetoed a provision that would have required Controlling Board approval for fee revisions and also a requirement for the fees to be deposited into the Highway Operating Fund, thereby causing the fees to be deposited in the General Revenue Fund under R.C. 113.09 (not in the act).

Rail study

(R.C. 4981.40)

In regard to passenger rail service, the act requires ODOT and the Rail Development Commission to do all of the following: (1) include all federally designated Ohio high-speed rail corridors and all passenger rail corridors in the Ohio Hub Study in any overall programmatic environmental impact study or other comprehensive high-speed rail project development study, (2) work with Amtrak to examine methods to improve existing service between Toledo and Cleveland with a goal of creating optimum service to connect with the planned Cleveland, Columbus, Dayton, and Cincinnati service, and (3) examine the financial and economic feasibility of developing a passenger rail system between Toledo and Columbus, including necessary characteristics of a viable connection between the cities.

Ohio Rail Development Commission

(R.C. 4981.02)

Continuing law creates the Ohio Rail Development Commission, consisting, under prior law, of six members appointed by the Governor, four members of the General Assembly appointed by the leadership of each house, and two members of the public, one appointed by the Speaker of the House and one appointed by the President of the Senate. The Directors of Transportation and Development (or their designees) serve ex officio and the members from the General Assembly are nonvoting members. The act adds an additional member to the Commission. The new member is to be appointed by the Governor and must represent the interests of manufacturers. The Governor vetoed a provision that would have required the new member to have contracting responsibility for rail and nonrail freight transportation. The act makes a corresponding change in the voting requirements so that an affirmative vote of six, rather than five, members is necessary to take action.

The act establishes that expenditures by ODOT, the Ohio Rail Development Commission, or any other state agency for capital improvements for the development of passenger rail are subject to the approval of the Controlling Board (which consists of the Director of OBM or the Director's designee, the chair of the House and Senate finance-appropriations committees, two members of the House appointed by the Speaker, one from the majority party and one from the minority party, and two members of the Senate appointed by the President, one from the majority party and one from the minority party) with an affirmative vote of not fewer than five members, including the affirmative vote of a majority of the Controlling Board members appointed by the President of the Senate and a majority of the Controlling Board members appointed by the Speaker of the House of Representatives.

Overweight and overdimension vehicles

Permits (VETOED)

(R.C. 4513.34)

Continuing law authorizes the Director of Transportation to issue a special permit allowing the operation of an overweight or oversize vehicle. The fees for issuance of the special permits are established by the Director by rule. The rules authorize continuing permits only for repeated movements of the same vehicle over the same routing (O.A.C. 5501:2-1-10). The Governor vetoed a provision that would have required the rules of the Director to include issuance of a continuing annual permit over routes reported to the Director and would have required the permit holder to submit quarterly reports to the Director with such information as specified by the Director.

Permit fees (VETOED)

(Section 756.20)

If the owner of a motor vehicle that exceeds the statutory vehicle weight limits or vehicle dimensions wishes to operate the vehicle on the public streets or highways, the owner first must obtain the proper permit from ODOT. The fee schedule for these permits is located in rule 5501:2-1-10 of the Ohio Administrative Code. An increase in these fees went into effect March 1, 2009, and additional increases are scheduled to take effect July 1, 2009.

The act would have prohibited ODOT from imposing the fee increases that are scheduled to take effect July 1, 2009, and would have provided that the fee increases that went into effect March 1, 2009, apply. The Director of Transportation would have been required to amend OAC rule 5501:2-1-10 to comply with these provisions and

would have been prohibited from subsequently amending the rule to increase the rates until July 1, 2010.

Speed limit provisions

(R.C. 4511.21)

The act contains two provisions that relate to speed limits: an increased speed limit for certain large motor vehicles traveling on certain interstate freeways and the establishment by ODOT of speed transition zones at certain locations on state highways. The Governor vetoed the latter provision.

Speed limit increase from 55 to 65 m.p.h. for certain large vehicles

Under continuing law, some freeways have a speed limit of 55 miles per hour for all vehicles. Under prior law, other freeways and certain rural, divided, multi-lane highways had two speed limits: a speed limit of 55 miles per hour for motor vehicles weighing in excess of 8,000 pounds empty weight and noncommercial buses, and a speed limit of 65 miles per hour for motor vehicles weighing less than 8,000 pounds empty weight and commercial buses.

Under the act, in the case of those interstate freeways that had a speed limit of 55 miles per hour for large motor vehicles and noncommercial buses and a speed limit of 65 miles per hour for other motor vehicles, the speed limit of 65 miles per hour applies to all motor vehicles, regardless of weight, including both commercial and noncommercial buses.

The act did not affect the speed limit for those freeways, interstate and otherwise, and other multi-lane divided highways where the speed limit is 55 miles per hour for all motor vehicles.

Speed transition zones (VETOED)

The Governor vetoed a provision of the act that would have required the Director of Transportation, at any location on a state highway where the posted speed limit decreases by 20 or more miles per hour, to establish a speed transition zone consisting, at a minimum, of the preceding 1,000 feet. Notwithstanding the speed limits prescribed in continuing law, the speed limit for the speed transition zone would have been required to be 10 miles per hour more than the speed limit to which the posted speed limit decreased by 20 or more miles per hour. Such a reduced speed limit would have become effective when ODOT erected appropriate signs giving notice of the reduced speed limit on the state highway.

ODOT prohibited from erecting a guardrail that blocks the only right-of-way to a parcel of real property (VETOED)

(R.C. 5501.60)

The act would have prohibited ODOT from erecting a guardrail or any other barrier that blocked or otherwise interfered in any manner with the only right-of-way to a parcel of real property. If ODOT erected such a guardrail or other barrier, the act would have required ODOT to remove promptly the guardrail or other barrier. The act would have provided that if ODOT failed to remove such a guardrail or other barrier, the owner or occupier of the parcel of real property might remove or cause the removal of the guardrail or other barrier and ODOT had to reimburse fully the owner or occupier of the parcel of real property for the actual cost to the owner or occupier of the parcel of real property of the removal.

"Historic Downtown Lancaster Museum District" signs (VETOED)

(Section 756.30)

The act would have required ODOT to erect and maintain one sign each in the rights-of-way of the northbound and southbound roadways of the State Route 33 bypass approaching each exit to the city of Lancaster that read "Historic Downtown Lancaster Museum District" and the approximate distance.

DEPARTMENT OF PUBLIC SAFETY

- Increases a total of six driver, motor vehicle, and certificate of title abstract fees from \$2 to \$5; of each \$3 increase, requires \$0.60 to be credited to the existing Trauma and Emergency Medical Services Fund, \$0.60 to be credited to the new Homeland Security Fund, \$0.30 to be credited to the new Investigations Fund, \$1.25 to be credited to the Emergency Management Agency Service and Reimbursement Fund, and \$0.25 to be credited to the Justice Program Services Fund; and permits the Director of Budget and Management, upon the request of the Director of Public Safety, to transfer excess money from these five funds to the existing State Highway Safety Fund.
- Increases or establishes the following fees and directs that the fees be deposited into the State Highway Safety Fund: (1) new late fee for vehicle registrations and driver's license applications, \$20, (2) additional in-state commercial vehicle registration fee, \$19, (3) increased out-of-state apportioned registration tax for commercial cars and buses, ranging from \$1 to \$33.50, depending on the vehicle weight, (4) additional

temporary registration tag fee, \$8, (5) additional fee for replacement license plates, \$5.50, (6) additional fee for initial and special reserve license plates, \$15, (7) additional duplicate driver's license fee, \$5, and (8) additional vision screening fee, \$1.75.

- Requires the Registrar of Motor Vehicles or a deputy registrar to ask an individual who is conducting a driver's license or identification card transaction if the individual is a veteran or is currently serving in the armed forces of the United States or any reserve component of the armed forces of the United States or the Ohio National Guard, and provides that if the individual is such a person, the Registrar or deputy registrar must provide the individual's name, address, and military status to the Department of Veterans Services for official government purposes regarding benefits and services.
- Effective October 7, 2009, permits a person who is a veteran, active duty, or reservist of the United States armed forces to have the person's driver's license, commercial driver's license, or state-issued identification card indicate that fact by a military designation on the license or card.
- Generally increases the fees charged by a clerk of the court of common pleas for services related to certificates of title from \$5 to \$15.
- Establishes a MARCS Task Force to issue recommendations concerning the structure and funding of the MARCS system.
- Requires the Department of Public Safety to form a study group to consider ways to improve services related to vehicle registrations, driver's license and identification card issuance, and vehicle title issuance.
- Establishes the Ohio State Highway Patrol Mission Review Task Force and requires the Task Force to compile a written report that contains its findings and recommendations.
- Requires the Director of Public Safety to develop a universal validation sticker for owners of 250 or more passenger vehicles.
- Requires all-purpose vehicles to be registered except those that are used primarily on a farm as a farm implement.
- Increases the three-year snowmobile, off-highway motorcycle, and all-purpose vehicle registration fee from \$5 to \$31.25, increases the length of time a temporary operating permit for these vehicles is valid from 15 days to one year, and increases the cost of such a temporary operating permit from \$5 to \$11.25.

- Requires the Registrar of Motor Vehicles, not later than October 1, 2009, to adopt rules to permit commercial trailers and semitrailers to be registered for not more than five years.
- Until July 1, 2011, reduces the fee paid for each certificate of title issued to a motor vehicle dealer for resale purposes from \$5 to \$4.50 and establishes a new \$0.50 fee collected at the time such a certificate of title is issued that is paid into the Title Defect Recision Fund; reduces the amount of each fee for such a certificate of title that is distributed to the Automated Title Processing Fund from \$2 to \$1.50.
- Allows the two authorized auctions of classic motor vehicles per year to extend for two days.
- Permits the organization "Ohio Pet Fund" to use the money it receives from the issuance of "Pets" license plates to pay the expenses it incurs in obtaining and maintaining its tax-exempt status and performing its duties, and eliminates the Pets Program Funding Board and replaces references to "Pets Program Funding Board" with "Ohio Pet Fund."

Increase in driver, motor vehicle, and certificate of title abstract fees

(R.C. 4501.34, 4503.26, 4505.14, 4506.08, 4509.05, 4513.263, 4519.63, 5502.03, 5502.131, 5502.39, and 5502.67)

The act increases six abstract fees from \$2 to \$5. The four fee increases that relate to abstracts containing driver and vehicle information become effective on the act's normal effective date for permanent law amendments and enactments, while the two fee increases that relate to abstracts containing certificate of title information become effective October 1, 2009. The act specifies the distribution of all the fees, including to two funds that the act creates: the Homeland Security Fund and the Investigations Fund.

Fee subject and abstract provider	Former amount and distribution	New amount and distribution
Driver's license application information, name and address only, Registrar of Motor Vehicles (R.C. 4501.34)	\$2, State Bureau of Motor Vehicles Fund	\$5: \$2, State Bureau of Motor Vehicles Fund \$0.60, Trauma and Emergency Medical Services Fund

Fee subject and abstract provider	Former amount and distribution	New amount and distribution
		\$0.60, Homeland Security Fund (new) \$0.30, Investigations Fund (new) \$1.25, Emergency Management Agency Service and Reimbursement Fund \$0.25, Justice Program Services Fund
Motor vehicle registration information, Registrar of Motor Vehicles (R.C. 4503.26)	\$2, State Bureau of Motor Vehicles Fund	\$5: \$2, State Bureau of Motor Vehicles Fund Remaining \$3 is distributed in the same manner as specified under the entry "Driver's license application information, name and address only, Registrar of Motor Vehicles"
Motor vehicle certificate of title information, Registrar of Motor Vehicles (R.C. 4505.14)	\$2, State Bureau of Motor Vehicles Fund	\$5 effective October 1, 2009: \$2, State Bureau of Motor Vehicles Fund Remaining \$3 is distributed in the same manner as specified under the entry "Driver's license application information, name and address only, Registrar of Motor Vehicles"
Motor vehicle certificate of title information, Clerk of the Court of Common Pleas (R.C. 4505.14)	\$2, Certificate of Title Administration Fund	\$5 effective October 1, 2009: \$2, Certificate of Title Administration Fund Remaining \$3 is distributed in the same manner as specified under the entry "Driver's license application information, name and address only, Registrar of Motor Vehicles"



Fee subject and abstract provider	Former amount and distribution	New amount and distribution
<p>Driving record of a commercial driver's license holder, Register of Motor Vehicles</p> <p>(R.C. 4506.08)</p>	<p>\$2, State Bureau of Motor Vehicles Fund</p>	<p>\$5:</p> <p>\$2, State Bureau of Motor Vehicles Fund</p> <p>Remaining \$3 is distributed in the same manner as specified under the entry "Driver's license application information, name and address only, Registrar of Motor Vehicles"</p>
<p>Driving record of a driver's license holder, Register of Motor Vehicles or deputy registrar</p> <p>(R.C. 4509.05)</p>	<p>\$2, State Bureau of Motor Vehicles Fund</p>	<p>\$5:</p> <p>\$2, State Bureau of Motor Vehicles Fund</p> <p>Remaining \$3 is distributed in the same manner as specified under the entry "Driver's license application information, name and address only, Registrar of Motor Vehicles"</p>
<p>Off-highway motorcycle and all-purpose vehicle certificate of title information, Registrar of Motor Vehicles</p> <p>(R.C. 4519.63)</p>	<p>\$2, State Bureau of Motor Vehicles Fund</p>	<p>\$5 effective October 1, 2009:</p> <p>\$2, State Bureau of Motor Vehicles Fund</p> <p>Remaining \$3 is distributed in the same manner as specified under the entry "Driver's license application information, name and address only, Registrar of Motor Vehicles"</p>
<p>Off-highway motorcycle and all-purpose vehicle certificate of title information, Clerk of the Court of Common Pleas</p> <p>(R.C. 4519.63)</p>	<p>\$2, Certificate of Title Administration Fund</p>	<p>\$5 effective October 1, 2009:</p> <p>\$2, Certificate of Title Administration Fund</p> <p>Remaining \$3 is distributed in the same manner as specified under the entry "Driver's license application information, name and address only, Registrar of Motor Vehicles"</p>

Homeland Security Fund

The act creates in the state treasury the Homeland Security Fund, consisting of \$0.60 of each of the driver, vehicle, and certificate of title abstract fee increases contained in the act. Money in the Fund must be used to pay the expenses of administering the law relative to the powers and duties of the executive director of the Division of Homeland Security.

Investigations Fund

The act creates in the state treasury the Investigations Fund, consisting of \$0.30 of each of the driver, vehicle, and certificate of title abstract fee increases contained in the act. The Director of Public Safety must use the money in the Fund to pay the operating expenses of investigations.

Transfer of excess money from certain funds to the State Highway Safety Fund

The act permits the Director of Budget and Management to transfer excess money from the Homeland Security Fund, Investigations Fund, Trauma and Emergency Medical Services Fund, Emergency Management Agency Service and Reimbursement Fund, or Justice Program Services Fund if the Director of Public Safety determines that the amount of money in any of these funds exceeds the amount required to cover the costs payable from the fund.

Fee increases to State Highway Safety Fund

(R.C. 4501.01, 4501.03, 4501.044, 4501.06, 4503.04, 4503.042, 4503.07, 4503.10, 4503.182, 4503.19, 4503.40, 4503.42, 4503.65, 4506.08, 4507.23, and 4507.24)

Effective October 1, 2009, the act increases or establishes the following fees and directs that the additional amounts be deposited into the State Highway Safety Fund which, after certifying sufficient money to meet certain bond-related payments, generally is used to enforce and pay the expenses of administering the law governing motor vehicle registration and operation on the public roads (note that the prior fee amounts do not include any service fees or separate required fees):

Revised Code sections	Transaction type	Prior fee	Fee increase
4503.04(O), 4503.042(E), 4503.07(B), 4506.08(C), 4507.23(H)	Late fee for motor vehicle registrations (including commercial vehicles and church buses), commercial driver's licenses, driver's licenses, and motorcycle endorsements	None	\$20

Revised Code sections	Transaction type	Prior fee	Fee increase
4503.10(C)	Commercial vehicle registrations (in-state)	Varies by weight	\$19
4501.044(A), 4503.65	Commercial vehicle registrations (out of state, apportionable under International Registration Plan)	Varies by weight and type of vehicle	2.5% (varies from \$1 to \$33.50, with an overall cap of \$14.50 for buses)
4503.182	Temporary license placard (tags)	\$7	\$8
4503.19	Replacement license plate	\$1 for each license plate issued	\$5.50, whether one or two license plates are issued
4503.40	Initial reserve license plates	\$10	\$15
4503.42	Special reserve license plates	\$35	\$15
4507.23	Duplicate driver's license	\$2.50	\$5
4507.24(D)(2)	Vision screening	\$1	\$1.75

The \$20 late fee applies if the applicable renewal application is not sought within seven days of the date the registration or the license would expire. The late fee may be waived for good cause shown if the application is accompanied by supporting evidence as the Registrar may require. A deputy registrar who collects the \$20 late fee retains 50¢ and transmits \$19.50 to the Registrar for deposit into the State Highway Safety Fund.

A disabled veteran who has a service-connected disability rated at 100% currently does not pay a fee for a driver's or commercial driver's license or a motorcycle endorsement and does not pay for vision screening. Under the act, such a veteran will not pay the late fees for licenses or the additional fee for vision screening either.

Inquiries pertaining to veteran's status or current status in the U.S. military or Ohio National Guard

(R.C. 4501.026 and 5902.09)

Formerly the person in charge of a state agency or instrumentality, an agency or instrumentality of a political subdivision, or a private entity, that provides law enforcement, health, or welfare services to individuals, other than the Ohio Veterans' Home and Veterans Service Organizations, was required to ask an individual with whom the agency, instrumentality, or entity interacts if the individual was a veteran or



the dependent of a veteran. If the individual claimed to be a veteran or the dependent of a veteran, the person in charge was required to report the individual's name, address, telephone number, and e-mail address; the agency's, instrumentality's, or entity's name, address, telephone number, and e-mail address; the nature of the agency's, instrumentality's, or entity's interaction with the individual; and the date on which the interaction occurred, to the Director of Veterans Services. The Director was required to inform the Veterans Service Commission that has jurisdiction in that area about the veteran or dependent and the interaction. The Commission was required to inquire about, and offer benefits and services appropriate to, the veteran or dependent.

The act eliminates this provision and instead requires the Registrar of Motor Vehicles or a deputy registrar to ask an individual with whom the Registrar or deputy registrar conducts driver's license or identification card transactions if the individual is a veteran or is currently serving in the armed forces of the United States or any reserve component of the armed forces of the United States or the Ohio National Guard. If the individual claims to be such a person, the Registrar or deputy registrar is required to provide the individual's name, address, and military status to the Department of Veterans Services for official government purposes regarding benefits and services.

Military designation on driver's licenses, commercial driver's licenses, and state identification cards

(R.C. 4506.07, 4506.11, 4507.06, 4507.13, 4507.51, and 4507.52)

Under a law effective July 7, 2010, the application form for a driver's license, commercial driver's license, or state identification card must include an inquiry as to whether the applicant is an honorably discharged veteran of the United States armed forces and, if so, whether the applicant wishes the license or identification card to indicate the fact. If the applicant does and presents a copy of the applicant's DD-214 or an equivalent document, the license or card issued to the applicant must also include any symbol chosen by the Registrar to indicate that the licensee or cardholder is an honorably discharged veteran of the United States armed forces.

The act modifies these provisions by (1) advancing the effective date of the provisions to October 7, 2009, and (2) expanding to active duty and reservist personnel of the United States armed forces the same opportunity to have an indication of the person's military status, and any symbol chosen by the Registrar to indicate that status, included on the person's driver's license or identification card.

Clerk of courts title fees

(R.C. 1548.10, 4505.032, 4505.09, and 4519.59)

Except in regard to certain dealer transactions, the act generally increases the various certificate of title fees retained by the Clerk of the Court of Common Pleas from \$5 to \$15. The following chart explains the changes to title fees that are affected by the act and any changes to the distribution of the fees.

Fee description (new provisions in italics)	Former amount and distribution	New amount and distribution
Watercraft or outboard motor duplicate certificate of title (R.C. 1548.10)	\$5 <ul style="list-style-type: none"> Clerk retains entire fee 	\$15 <ul style="list-style-type: none"> Clerk retains entire fee
Watercraft or outboard motor certificate of title (R.C. 1548.10)	\$5 <ul style="list-style-type: none"> Clerk retains \$2 Chief of the Division of Watercraft receives \$3 and deposits \$1 into the Automated Title Processing Fund 	\$15 <ul style="list-style-type: none"> Clerk retains \$10.50 Chief receives \$4.50 and deposits \$1 into the Automated Title Processing Fund
Watercraft or outboard motor lien notation, <i>included in certificate of title fee if applied for at the same time</i> (R.C. 1548.10)	\$5 <ul style="list-style-type: none"> Clerk retains \$3.50 Chief of the Division of Watercraft receives \$1.50 and deposits \$1 into the Automated Title Processing Fund 	See certificate of title, above
Watercraft or outboard motor memorandum certificate of title or non-negotiable evidence of ownership, <i>included in certificate of title fee if applied for at the same time</i> (R.C. 1548.10)	\$5 <ul style="list-style-type: none"> Clerk retains \$2 Chief of the Division of Watercraft receives \$3 and deposits \$1 into the Automated Title Processing Fund 	See certificate of title, above
Watercraft or outboard motor certificate of title with no security interest noted that is <i>issued to a licensed watercraft dealer for resale</i> (R.C. 1548.10)	\$5 <ul style="list-style-type: none"> Clerk retains \$2 Chief of the Division of Watercraft receives \$3 and deposits \$1 into the Automated Title Processing Fund 	Same

Fee description (new provisions in italics)	Former amount and distribution	New amount and distribution
Watercraft or outboard motor memorandum certificate of title or non-negotiable evidence of ownership <i>if applied for separately</i> (R.C. 1548.10)	\$5 <ul style="list-style-type: none"> Clerk retains entire fee 	Same
Motor vehicle certificate of title assignment to a motor vehicle dealer when no physical title has been issued (R.C. 4505.032)	\$5 <ul style="list-style-type: none"> Clerk retains \$2.25 Registrar receives \$2.75 and pays \$.25 to the State Bureau of Motor Vehicles Fund, \$.50 to three specified funds, and \$2 to the Automated Title Processing Fund 	\$15 <ul style="list-style-type: none"> Clerk retains \$11.50 Registrar receives \$3.50 and pays \$1 to the State Bureau of Motor Vehicles Fund, \$.50 to three specified funds, and \$2 to the Automated Title Processing Fund
Motor vehicle certificate of title assignment to a motor vehicle dealer when no physical title has been issued, that is <i>issued to a licensed motor vehicle dealer for resale purposes</i> (R.C. 4505.032)	\$5 <ul style="list-style-type: none"> Clerk retains \$2.25 Registrar receives \$2.75 and pays \$.25 to the State Bureau of Motor Vehicles Fund, \$.50 to three specified funds, and \$2 to the Automated Title Processing Fund 	Same
Motor vehicle certificate of title (R.C. 4505.09)	\$5 <ul style="list-style-type: none"> Clerk retains \$2.25 Registrar receives \$2.75 and pays \$.25 to the State Bureau of Motor Vehicles Fund, \$.50 to three specified funds, and \$2 to the Automated Title Processing Fund 	\$15 <ul style="list-style-type: none"> Clerk retains \$11.50 Registrar receives \$3.50 and pays \$1 to the State Bureau of Motor Vehicles Fund, \$.50 to three specified funds, and \$2 to the Automated Title Processing Fund
Duplicate certificate of title (R.C. 4505.09)	\$5 <ul style="list-style-type: none"> Clerk retains \$4.75 Registrar receives \$.25 and pays \$.25 to the State Bureau of Motor Vehicles Fund 	\$15 <ul style="list-style-type: none"> Clerk retains \$11.50 Registrar receives \$3.50 and pays \$1 to the State Bureau of Motor Vehicles Fund, \$.50 to three specified funds, and \$2 to the Automated Title Processing Fund

Fee description (new provisions in italics)	Former amount and distribution	New amount and distribution
Memorandum certificate of title, authorization to print a non-negotiable evidence of ownership, <i>included in certificate of title fee if applied for at the same time</i> (R.C. 4505.09)	\$5 <ul style="list-style-type: none"> • Clerk retains entire fee 	See certificate of title, above
Notation of any lien, <i>included in certificate of title fee if applied for at the same time</i> (R.C. 4505.09)	\$5 <ul style="list-style-type: none"> • Clerk retains \$4.25 • Registrar receives \$.75 and pays \$.75 to the State Bureau of Motor Vehicles Fund 	See certificate of title, above
Motor vehicle certificate of title with no security interest noted that is <i>issued to a licensed motor vehicle dealer for resale</i> (R.C. 4505.09)	\$5 <ul style="list-style-type: none"> • Clerk retains \$2.25 • Registrar receives \$2.75 and pays \$.25 to the State Bureau of Motor Vehicles Fund, \$.50 to three specified funds, and \$2 to the Automated Title Processing Fund 	Same
Motor vehicle memorandum certificate of title or non-negotiable evidence of ownership <i>if applied for separately</i> (R.C. 4505.09)	\$5 <ul style="list-style-type: none"> • Clerk retains entire fee 	Same
Off-highway motorcycle or all-purpose vehicle certificate of title (R.C. 4519.59)	\$5 <ul style="list-style-type: none"> • Clerk retains \$2.25 • Registrar receives \$2.75 and pays \$.25 to the State Bureau of Motor Vehicles Fund, \$.50 to three specified funds, and \$2 to the Automated Title Processing Fund 	\$15 <ul style="list-style-type: none"> • Clerk retains \$11.50 • Registrar receives \$3.50 and pays \$1 to the State Bureau of Motor Vehicles Fund, \$.50 to three specified funds, and \$2 to the Automated Title Processing Fund



Fee description (new provisions in italics)	Former amount and distribution	New amount and distribution
Duplicate certificate of title for off-highway motorcycle or all-purpose vehicle (R.C. 4519.59)	\$5 <ul style="list-style-type: none"> • Clerk retains \$4.75 • Registrar receives \$.25 and pays \$.25 to the State Bureau of Motor Vehicles Fund 	\$15 <ul style="list-style-type: none"> • Clerk retains \$11.50 • Registrar receives \$3.50 and pays \$1 to the State Bureau of Motor Vehicles Fund, \$.50 to three specified funds, and \$2 to the Automated Title Processing Fund
Memorandum certificate of title, authorization to print a non-negotiable evidence of ownership for off-highway motorcycle or all-purpose vehicle, <i>included in certificate of title fee if applied for at the same time</i> (R.C. 4519.59)	\$5 <ul style="list-style-type: none"> • Clerk retains entire fee 	See certificate of title, above
Notation of any lien for off-highway motorcycle or all-purpose vehicle, <i>included in certificate of title fee if applied for at the same time</i> (R.C. 4519.59)	\$5 <ul style="list-style-type: none"> • Clerk retains \$4.25 • Registrar receives \$.75 and pays \$.75 to the State Bureau of Motor Vehicles Fund 	See certificate of title, above
Off-highway or all-purpose vehicle certificate of title with no security interest noted that is <i>issued to a licensed motor vehicle dealer for resale</i> (R.C. 4519.59)	\$5 <ul style="list-style-type: none"> • Clerk retains \$2.25 • Registrar receives \$2.75 and pays \$.25 to the State Bureau of Motor Vehicles Fund, \$.50 to three specified funds, and \$2 to the Automated Title Processing Fund 	Same
Off-highway or all-purpose vehicle memorandum certificate of title or non-negotiable evidence of ownership <i>if applied for separately</i> (R.C. 4519.59)	\$5 <ul style="list-style-type: none"> • Clerk retains entire fee 	Same

MARCS Task Force

(Section 755.80)

The act establishes a MARCS Task Force to explore and issue recommendations on the organizational structure and operational and capital funding options for the long-term sustainability and more ubiquitous utilization of the MARCS System. Not later than nine months after the act's 90-day effective date, the Task Force must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives making recommendations on these matters.

The Task Force is to consist of 17 members as follows: three members appointed by the Governor; three members appointed by the Speaker of the House of Representatives, not more than two from the same political party; three members appointed by the President of the Senate, not more than two from the same political party; one representative from the Department of Public Safety, appointed by the Director of Public Safety; one representative from the State Highway Patrol, appointed by the Director of Public Safety; one representative from the Buckeye State Sheriffs' Association, appointed by the Governor; one representative from the Ohio Association of Chiefs of Police, appointed by the Governor; one representative from the Ohio Fire Chiefs Association, appointed by the Governor; one representative from MARCS, appointed by the Director of Administrative Services; one representative of an emergency management agency, appointed by the Governor; and the Director of Administrative Services or the Director's designee. The appointed members must be appointed not later than 45 days after the act's 90-day effective date.

The Director of Administrative Services or the Director's designee is to serve as the Task Force's chairperson. Members of the Task Force cannot receive compensation or reimbursement for their services.

Department of Public Safety study group

(Section 755.40)

The act requires the Department of Public Safety to form a study group to conduct a study and make recommendations to improve services related to vehicle registrations, driver's license and identification card issuance, and vehicle title issuance. The study group must include representatives from all of the following: (1) the Department of Public Safety, (2) the Bureau of Motor Vehicles, (3) the Office of Budget and Management, (4) the Ohio Attorney General, (5) the Ohio Clerk of Courts Association, (6) the County Auditors' Association, (7) the Ohio Trucking Association, (8) the Deputy Registrars' Association, (9) the Ohio Auto Dealers' Association, (10) the County Commissioners' Association, (11) the Ohio Municipal League, (12) one member

of the Senate appointed by the President of the Senate, (13) one member of the House of Representatives appointed by the Speaker of the House of Representatives, and (14) two members of the public, one of whom must be appointed by the President of the Senate and one of whom must be appointed by the Speaker of the House of Representatives.

The study group is charged with doing all of the following in regard to services related to vehicle registrations, driver's license and identification card issuance, and vehicle title issuance: (1) evaluating ways to improve the efficient delivery of services, (2) examining existing statutory authority governing the supporting processes and infrastructure systems and analyzing methods to improve such processes and systems, (3) reviewing demographic data, conducting a financial assessment of existing procedures, and identifying additional services that may be provided, (4) evaluating issues related to clerks of courts of common pleas acting as deputy registrars, including the overall impact on service to the public and the economic effects for both the clerks of courts and deputy registrars, (5) reviewing current business methods and identifying new technology that may improve processes and procedures, and (6) examining ways to expand consumer protection under Ohio's Title Defect Recision Fund for all retail motor vehicle transactions.

The study group must submit its report with recommendations to the Governor, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, and the Minority Leader of the Senate not later than six months after the effective date of the act. After submitting its report, the study group ceases to exist.

Ohio State Highway Patrol Mission Review Task Force

(Section 756.40)

The act establishes the Ohio State Highway Patrol Mission Review Task Force to review the operations and functions of the State Highway Patrol. The Task Force is required to explore opportunities to improve operational efficiency, identify overlapping services, and consolidate current operations. The Task Force is required to formulate such recommendations as it considers advisable and compile a written report that contains its findings and recommendations.

The Task Force is to consist of 17 members as follows: the Director of Public Safety or the Director's designee, the Superintendent of the State Highway Patrol, two members of the Senate appointed by the President of the Senate, one member of the Senate appointed by the Minority Leader of the Senate, two members of the House of Representatives appointed by the Speaker of the House of Representatives, one member of the House of Representatives appointed by the Minority Leader of the House of

Representatives, one member who represents the County Commissioners' Association of Ohio appointed by the Association, one member who represents the Buckeye State Sheriffs Association appointed by the Association, one member who represents the Fraternal Order of Police of Ohio appointed by the Order, one member who represents the Ohio Association of Chiefs of Police appointed by the Association, one member who is a State Highway Patrol trooper appointed by the Ohio State Troopers Association to represent the troopers of the State Highway Patrol, one member appointed by the President of the Senate to represent the public, one member appointed by the Speaker of the House of Representatives to represent the public, and two members appointed by the Governor to represent the public, at least one of whom is not affiliated with any law enforcement agency or public safety force or agency of any kind. The appointed members must be appointed not later than 45 days after the act's 90-day effective date. Members of the Task Force cannot receive any compensation or reimbursement for their services.

The Governor vetoed requirements that at least one of the two persons the Governor appoints to represent the public not be affiliated with any law enforcement agency or public safety force or agency of any kind, that this unaffiliated individual serve as chairperson of the Task Force, and that if both of the appointees have no such affiliation, the Governor must designate one of them to serve as chairperson. As a result of the vetoes, the act states simply that one of the two appointees is to serve as chairperson.

Not later than 12 months after the act's 90-day effective date, the Task Force is required to submit its report to the Governor, the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives. At that point, the Task Force ceases to exist.

Motor vehicle registration validation sticker

(R.C. 4503.191)

In general, license plates are issued for a multi-year period, while annual registration is indicated by a validation sticker attached to the license plate. The validation sticker must indicate the assigned expiration period of the vehicle corresponding to the license plate. The act requires the Director of Public Safety, not later than October 1, 2009, to develop a universal validation sticker available to any owner of 250 or more passenger vehicles, so that a sticker issued to the owner may be placed on any passenger vehicle in that owner's fleet. The act authorizes the Director to establish and charge an additional fee of not more than \$1 per registration to compensate for necessary costs of the universal validation sticker program. The additional fee must be credited to the State Bureau of Motor Vehicles Fund.

All-purpose vehicles

(R.C. 2911.21, 4519.02, 4519.03, 4519.04, 4519.08, 4519.09, 4519.10, 4519.44, and 4519.47; Section 755.70)

Registration required for certain all-purpose vehicles

Continuing law generally prohibits any person from operating an all-purpose vehicle within this state unless it is registered and numbered. There are exceptions to this registration requirement, however; no registration is required for an all-purpose vehicle that is:

(1) Operated exclusively upon lands owned by the owner of the all-purpose vehicle or on lands to which the owner has a contractual right;

(2) Owned and used in this state by a resident of another state whenever that state has in effect a registration law that is similar to that of this state; or

(3) Owned and used in this state by the United States, another state, or a political subdivision of another state, but such an all-purpose vehicle must display the owner's name.

Whoever violates this registration requirement must be fined not more than \$25. If the offender previously has been convicted of or pleaded guilty to a violation of this requirement, the court must impose a fine of not less than \$25 but not more than \$50.

The act removes the exception to the registration requirement described in item (1), but adds a new exception by providing that no registration is required for an all-purpose vehicle that is used primarily as a farm implement. It also provides that whoever violates the registration requirement must be fined not less than \$50 but not more than \$100--on the first or any succeeding violation. This increased penalty provision also applies to cases involving a violation of the registration requirements for snowmobiles and off-highway motorcycles.

All-purpose vehicle license plate

When an all-purpose vehicle is registered, the owner receives a registration sticker, which must be displayed on the vehicle. The act eliminates the registration sticker for all-purpose vehicles and instead requires the Registrar or deputy registrar, when issuing a certificate of registration for an all-purpose vehicle, to issue also one license plate and a validation sticker, or a validation sticker alone when applicable for a registration renewal. The license plate and validation sticker must be displayed on the all-purpose vehicle so that they are distinctly visible, in accordance with rules the

Registrar must adopt. The validation sticker must indicate the expiration date of the registration period. During each succeeding registration period following the issuance of a license plate and validation sticker, only a validation sticker is issued. The act provides that the Bureau of Motor Vehicles is not required to issue license plates and validation stickers to all-purpose vehicles until one year after the act's effective date.

All-purpose vehicle license registration fees

All-purpose vehicles, as well as snowmobiles and off-highway motorcycles, are registered for a three-year period. The act increases the registration fee for all these vehicles from \$5 for the three-year period to \$31.25. Of each registration fee collected for the registration of an all-purpose vehicle, the Registrar retains not more than \$5 to pay for the licensing and registration costs the Bureau of Motor Vehicles incurs in registering all-purpose vehicles. The remainder of the registration fee must be deposited into the state treasury to the credit of the State Recreational Vehicle Fund.

A temporary operating permit enables a resident of a state that does not have a registration law that is equivalent to that of this state to use a snowmobile, off-highway motorcycle, or all-purpose vehicle from another state within this state. The permit is valid for 15 days and costs \$5. The act extends the period during which a temporary operating permit is valid from 15 days to one year and increases the fee from \$5 to \$11.25.

Operation of a snowmobile, off-highway motorcycle, or all-purpose vehicle on public roads

Prior law prohibited any person who did not hold a valid, current motor vehicle driver's or commercial driver's license, motorcycle operator's endorsement, or probationary license issued by Ohio from operating a snowmobile, off-highway motorcycle, or all-purpose vehicle on any street or highway in this state, on any portion of the right-of-way of a street or highway in this state, or on any public land or waters. The act applies the prohibition, instead, to a person who does not hold a valid, current driver's license issued by Ohio or any other jurisdiction.

Impoundment of the certificate of registration and license plate of an all-purpose vehicle

Whenever a person is found guilty of operating a snowmobile, off-highway motorcycle, or all-purpose vehicle in violation of any rule adopted under the Special Vehicle law, the trial judge of any court of record, in addition to or independent of any other penalties provided by law, may impound the certificate of registration of that snowmobile, off-highway motorcycle, or all-purpose vehicle for not less than 60 days.

The court must send the impounded certificate of registration to the Registrar, who must retain it until the expiration of the period of impoundment.

The act retains this impoundment provision, but provides that in the case of an all-purpose vehicle, the certificate of registration and license plate also must be impounded.

Criminal trespass and all-purpose vehicles

The offense of criminal trespass, which is found in the Criminal Code (Revised Code Title 29), involves entering or remaining on land without privilege to do so. Criminal trespass is a fourth degree misdemeanor, which is punishable by a jail term of not more than 30 days, a fine of not more than \$250, or both.

Under the act, if an offender commits criminal trespass while using an all-purpose vehicle, the court is required to impose a fine of two times the usual amount for the violation. If an offender previously has been convicted of or pleaded guilty to two or more state criminal trespass violations or a substantially equivalent municipal ordinance, and the offender, in committing each violation, used an all-purpose vehicle, the court, in addition to or independent of all other penalties imposed for the violation, may impound the certificate of registration and license plate of that all-purpose vehicle for not less than 60 days. In such a case, the court is required to send the impounded certificate of registration and license plate to the Registrar, who must retain them until the end of the impoundment period.

The act also provides that, notwithstanding any Revised Code provision, if the offender, in committing the criminal trespass violation, used an all-purpose vehicle, the clerk of the court is required to pay the fine imposed to the State Recreational Vehicle Fund.

Multiyear registration of commercial trailers and semitrailers

(R.C. 4503.103)

Continuing law requires the Registrar of Motor Vehicles to adopt rules to permit any person or lessee who owns or leases two or more commercial trailers or semitrailers to file a written application for registration for not more than five succeeding registration years. At the time of application, the person must pay all annual taxes and fees for each year for which the person is registering. The act requires the Registrar to adopt these rules not later than October 1, 2009.

Title Defect Recision Fund and Automated Title Processing Fund fees

(Section 756.25)

Continuing law creates the Title Defect Recision Fund, consisting of money that motor vehicle dealers are required to pay to the Attorney General, dependent in part upon the balance in the fund (R.C. 4505.181, not in the act). The fund is used solely to provide restitution to retail purchasers of motor vehicles who are unable to obtain a certificate of title from a dealer and suffer damages. Also under continuing law, motor vehicle dealers pay \$5 to obtain a certificate of title; of that \$5 fee, \$2 of that fee is distributed to the Automated Title Processing Fund to be used to implement and maintain an automated title processing system.

Notwithstanding the provisions of codified law described above, until July 1, 2011, the act requires a clerk of a court of common pleas to charge \$4.50 for each certificate of title issued to a licensed motor vehicle dealer for resale purposes and, in addition, to charge and collect a separate fee of \$0.50 from the licensed motor vehicle dealer. The additional \$0.50 fee must be forwarded to the Registrar of Motor Vehicles.

Notwithstanding the provision of codified law governing the distribution of certificate of title fees, until July 1, 2011, the act requires the Registrar of Motor Vehicles to pay \$1.50 of the amount received by the Registrar for each certificate of title issued to a licensed motor vehicle dealer for resale purposes into the Automated Title Processing Fund and to pay the \$.50 separate fee collected from a licensed motor vehicle dealer into the Title Defect Recision Fund.

Classic motor vehicle auctions

(R.C. 4517.021)

In general, continuing law requires any person who engages in the business of selling new or used motor vehicles to be licensed as a motor vehicle dealer or salesperson. A person who engages in the business of motor vehicle auctioning must be licensed as a motor vehicle auction owner, and a motor vehicle auction owner must use a licensed auctioneer to conduct motor vehicle auctions. The Bureau of Motor Vehicles issues licenses to motor vehicle dealers, salespersons, and motor vehicle auction owners.

The motor vehicle dealer, salesperson, and auction owner licensing provisions do not apply to a person when auctioning classic motor vehicles (26 years old or older) under certain conditions. One condition of prior law was that the person could be responsible for not more than two auctions of classic motor vehicles per year, with no auction lasting more than one day. The act allows a person to hold two auctions of

classic motor vehicles per year that last no more than two days and remain exempt from the motor vehicle dealer, salesperson, and auction owner licensing provisions.

Ohio Pets Fund and "Pets" license plates

(R.C. 955.201, 955.202, and 4501.21)

A person who obtains the special license plate "Pets" makes a contribution of \$15 in addition to the usual taxes and fees. The Registrar pays these contributions to the organization Ohio Pet Fund, which can use this money only to support programs for the sterilization of dogs and cats and for educational programs concerning the proper veterinary care of those animals. The act permits the Ohio Pet Fund to use this money also to pay the expenses it incurs that are reasonably necessary for it to obtain and maintain its tax-exempt status and to perform its duties.

Prior law provided for a seven-member Pets Program Funding Board. The Board's function was to determine the grant amount that an eligible organization might receive from the Ohio Pets Fund, which otherwise administered the grant program. The act eliminates the Pets Program Funding Board and requires the Ohio Pets Fund to make such determinations.

OHIO TURNPIKE COMMISSION

- Establishes that violations of vehicle weight limits on the Ohio Turnpike are subject to the same fines as such violations occurring on other roads, generally dependent on the amount by which the overweight vehicle exceeds the established weight limits.
- Requires bid and performance bonds for Turnpike Commission bids and contract awards that are over \$150,000 and for any service facility contract.
- Allows the Turnpike Commission to combine the design and construction elements into a single competitively bid contract for "special projects."
- Requires the Ohio Turnpike Commission to establish a business logo sign program.
- Requires the Ohio Turnpike Commission to conduct a green technology study.

Fines for overweight vehicles on the Ohio Turnpike

(R.C. 5537.99)

Continuing law authorizes the Ohio Turnpike Commission to adopt rules as it considers advisable for the control and regulation of traffic on any turnpike project. The rules of the Commission with respect to speed, axle loads, vehicle loads, and vehicle dimensions apply notwithstanding general traffic law provisions dealing with such matters; except in regard to civil violations related to failure to comply with toll collection rules, violations of Commission rules are a minor misdemeanor (fine of up to \$150) on a first offense and a fourth degree misdemeanor (fine of up to \$250 and up to 30 days) on any subsequent offense. Fines for violations of Commission rules that are misdemeanor offenses are distributed in accordance with the provisions governing the distribution of fines collected from persons apprehended or arrested by the State Highway Patrol, with a portion credited to the General Revenue Fund (after sufficient revenue is credited to the Security, Investigations, and Policing Fund to support specific activities of the Patrol), a small portion credited to the Trauma and Emergency Medical Services Grants Fund, and the remainder distributed based on the court that imposes the fine (R.C. 4501.11 and 5503.04, not in the act).

The act establishes that violations of vehicle weight limits on the Turnpike are subject to the same fines as such violations occurring on other roads, rather than being a minor misdemeanor on a first offense and a fourth degree misdemeanor on subsequent offenses. Vehicle weight violation fines generally are dependent on the amount by which the overweight vehicle exceeds the established weight limits. Specifically, the fines are \$80 for the first 2,000 pounds, or fraction thereof, of overload; for overloads of 2,000 to 5,000 pounds, the fine is \$100 plus \$1 per 100 pounds of overload; for overloads of 5,000 to 10,000 pounds, the fine is \$130 plus \$2 per 100 pounds of overload and the violator may be imprisoned not more than 30 days; and for all overloads in excess of 10,000 pounds, the fine is \$160 plus \$3 per 100 pounds of overload and the violator may be imprisoned not more than 30 days. Additionally whoever violates the weight provisions of vehicle and load relating to gross load limits (calculated by the federal bridge formula with a general maximum of 80,000 pounds) is required to be fined not less than \$100. (R.C. 5577.99, not in the act.)

Ohio Turnpike contracts

(R.C. 5537.07)

Bid and performance bonds

In general, continuing law requires the Ohio Turnpike Commission to competitively bid any contract in excess of \$50,000. Each bid for a contract (other than a

construction, demolition, alteration, repair, improvement, renovation, or reconstruction contract, which is covered by separate bid guaranty provisions) must be accompanied by a sufficient bond or certified check on a solvent bank that if the bid is accepted a contract will be entered into and the performance of its proposal secured; additionally, a performance bond approved by the Commission, in an amount equal to at least 50% of the contract price, is required of every contractor awarded a competitively bid contract.

The act retains the general requirement that such contracts over \$50,000 be competitively bid but modifies the requirements related to bid and performance bonds. Under the act, only bids for contracts over \$150,000 or for a service facility contract must be accompanied by the specified bond or certified check. Also, every contractor awarded a contract over \$150,000 or a service facility contract must furnish a performance bond in a form as prescribed and approved by the Commission with good and sufficient surety in an amount equal to at least 50% of the contract price.

Design-build

The act allows the Ohio Turnpike Commission to establish a program to expedite special projects by combining the design and construction elements of any public improvement project into a single contract. The Commission must prepare and distribute a scope of work document on which the bidders must base their bids. At a minimum, bidders must meet the requirements to engage in the practice of engineering. Except in regard to those requirements relating to providing plans, the Commission must award the design-build contracts following the Commission's general competitive bidding requirements.

Ohio Turnpike business logo program

(R.C. 5537.30)

The act requires the Ohio Turnpike Commission, not later than December 31, 2009, to establish a business logo sign program for the placement of business logos for identification purposes on directional signs within the turnpike right-of-way. The program is similar to the business logo program operated by the Department of Transportation. In particular, the act does all of the following:

(1) Allows the Commission to establish and revise fees for participation in the business logo sign program;

(2) Requires all direct and indirect costs of the business logo sign program, including the cost of capital, directional signs, blanks, posts, logos, installation, repair,

engineering, design, insurance, removal, replacement, and administration, to be fully paid by the businesses applying for participation in the program;

(3) Requires money generated from participating businesses in excess of the direct and indirect costs and any reasonable profit earned by a person awarded a contract to operate the program, to be remitted to the Commission;

(4) Allows the Commission to retain all money collected from participating businesses if the Commission operates the program.

The act allows the Commission to adopt rules and contract with any private person to operate, maintain, or market the business logo sign program. The contract may allow for a reasonable profit to be earned by the successful applicant. In awarding a contract, the act requires the Commission to consider the skill, expertise, prior experience, and other qualifications of each applicant.

The act specifies that the business logo program must permit the business logo signs of a seller of motor vehicle fuel to include on the seller's signs a marking or symbol indicating that the seller sells one or more types of alternative fuel so long as the seller in fact sells that fuel.

Ohio Turnpike Commission green technology study

(Section 755.60)

The act requires the Ohio Turnpike Commission to conduct a study to examine ways to increase the application of green technology, including the reduction of diesel emissions, in the construction, maintenance, improvement, repair, and operation of Ohio Turnpike Commission facilities. The study must evaluate all opportunities to develop energy alternatives, including solar, geothermal, natural gas, and wind, in cooperation with the Power Siting Board and ODOT. The act requires the Commission to use the first \$100,000 in revenue derived from its operation of the business logo sign program to conduct the study. The Commission is required to issue an interim report not later than six months after the effective date of the act and a final report one year after the effective date. The reports must be issued to the Speaker and Minority Leader of the House of Representatives, the President and Minority Leader of the Senate, and the Governor.

PUBLIC UTILITIES COMMISSION

- Requires a person shipping certain radioactive material within, into, or through this state to provide the Emergency Management Agency with notice of the shipment and to pay the Public Utilities Commission a fee for each shipment of \$2,500 for each shipment by motor carrier and \$4,500 per cask plus \$3,000 for each additional cask shipped by rail by the same entity in the same shipment; establishes civil penalties for violating the notice and fee requirements; and establishes the Radioactive Waste Transportation Fund consisting of the fees and fines, and requires it to be used by the Public Utilities Commission for purposes related to the safe shipment of such material.
- Adds as a qualifying resource under alternative energy law any renewable energy resource created on or after January 1, 1998, by the modification or retrofit of an electric generating facility placed in service before January 1, 1998.
- Allows more than one unit of renewable energy credit to be created for energy produced by an Ohio generating facility of 75 megawatts or greater that has committed by December 31, 2009, to modify or retrofit its generating unit or units to enable generation principally from biomass energy by June 30, 2013, with the actual numbers of credit created determined by a formula that relates biomass feedstock heat input generally to the value of a renewable energy compliance payment and the market value of one renewable energy credit.

Shipping of radioactive material

(R.C. 4163.01, 4163.07, 4905.801, and 4905.802)

Fees

The act prohibits a person from transporting or causing to be transported any shipment of high-level radioactive waste, spent nuclear fuel, transuranic waste, or any quantity of special nuclear material or by-product material that meets or exceeds the highway route controlled quantity within, into, or through Ohio by rail or motor carrier unless the person, at least four days prior to the date of the shipment, pays the Public Utilities Commission the fees described below for each shipment. Under the act, "high-level radioactive waste" means any of the following:

- (1) Irradiated reactor fuel;

- (2) Liquid wastes resulting from the operation of the first cycle solvent extraction system, or equivalent, and the concentrated wastes from subsequent extraction cycles, or equivalent, in a facility for reprocessing irradiated reactor fuel; or
- (3) Solids into which such liquid wastes have been converted.

In addition, "spent nuclear fuel" is defined as fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing. The act also defines "transuranic waste" as material contaminated with elements that have an atomic number greater than 92, including neptunium, plutonium, americium, and curium, and that are in concentrations greater than 10 nanocuries per gram or in other concentrations that the United States Nuclear Regulatory Commission may prescribe. Prior law defined "special nuclear material" as plutonium or uranium enriched in the isotope 233 or in the isotope 235 or any other material that the Governor declared by order to be special nuclear material. The act instead defines "special nuclear material" by referencing the state Radiation Control Law, which defines it as plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, any other material that the United States Nuclear Regulatory Commission determines to be special nuclear material, or any material artificially enriched by any one of the materials specified above, excluding source material pursuant to certain provisions of the Atomic Energy Act of 1954. Prior law also defined "by-product material" to mean any radioactive material, except special nuclear material, yielded in, or made radioactive by exposure to the radiation incident to, the process of producing or utilizing special nuclear materials. The act expands the definition by referencing the definition of "by-product material" in the state Radiation Control Law, which includes the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content. Finally, the act states that "highway route controlled quantity" has the same meaning as in applicable federal regulations. Those federal regulations use the quantity of radionuclides within a single package presented for transport as the basis for the definition.

The act establishes fees of \$2,500 for each shipment by motor carrier and \$4,500 for the first cask designated for transport by rail plus \$3,000 for each additional cask designated for transport by rail by the same person or entity in the same shipment.

However, the above fees do not apply to any shipment of high-level radioactive waste, spent nuclear fuel, transuranic waste, or any quantity of special nuclear material or by-product material that meets or exceeds the highway route controlled quantity by or for the United States government for military or national defense purposes or to or from a plant that is owned by the United States Department of Energy and that is located in Ohio or to or from entities that operate on land located in Ohio that is owned

or controlled by the United States Department of Energy or the United States Department of Defense. The act specifically states that the fees apply to all other shipments of high-level radioactive waste, spent nuclear fuel, transuranic waste, or any quantity of special nuclear material or by-product material that meets or exceeds the highway route controlled quantity by or for the United States government to the extent permitted by federal law.

The act requires the Commission, in administering the above fee provisions, to work with any department or agency of federal, state, or local government that also regulates the shipment of high-level radioactive waste, spent nuclear fuel, transuranic waste, or any quantity of special nuclear material or by-product material that meets or exceeds the highway route controlled quantity. The act also authorizes the Commission, subject to certain provisions of law related to the confidentiality of shipment information and consistent with national security requirements, to notify any law enforcement agency or other state or local entity affected by a shipment that the Commission considers necessary for public safety.

Radioactive Waste Transportation Fund

The act requires the Public Utilities Commission to credit all fees collected under the above provisions to the Radioactive Waste Transportation Fund, which the act creates in the state treasury. All investment earnings of the Fund must be credited to it.

Money in the Fund can be used only for the following purposes related to the shipment of high-level radioactive waste, spent nuclear fuel, transuranic waste, or any quantity of special nuclear material or by-product material that meets or exceeds the highway route controlled quantity in this state, as determined by the Commission:

- (1) State and local expenses, including inspections, escorts, security, emergency management services, and accident response;
- (2) Planning, coordination, education, and training of emergency response providers, law enforcement agencies, and other appropriate state or local entities;
- (3) Purchase and maintenance of monitoring, medical, safety, or emergency response equipment and supplies;
- (4) Administrative costs of the Commission and other state or local entities; and
- (5) Other similar expenses determined by the Commission to be appropriate.

The act requires the Commission, not later than December 31, 2010, to prepare and submit to both houses of the General Assembly a report on the fees received by the

Commission under the above provisions and on expenditures made from the Radioactive Waste Transportation Fund.

The act authorizes the Commission to adopt rules as necessary to implement the act's provisions governing shipment fees and the Fund.

Notification requirements prior to shipping certain radioactive material

Prior law required the carrier or shipper of any large quantity of special nuclear material or by-product material, prior to transporting the material into or through Ohio, to notify the Executive Director of the Emergency Management Agency of the shipment. Prior law defined "large quantity" to have the same meaning as in applicable federal regulations. The act instead requires a carrier or shipper, prior to transporting any high-level radioactive waste, spent nuclear fuel, transuranic waste, or any quantity of special nuclear material or by-product material that meets or exceeds the highway route controlled quantity within, into, or through the state, to notify the Executive Director of the Emergency Management Agency of the shipment. It eliminates the definition of "large quantity."

Law partially revised by the act requires the notice to be in writing and be sent by certified mail and to include the name of the shipper; the name of the carrier; the type and quantity of the special nuclear material or by-product material; the transportation mode of the shipment; the proposed date and time of shipment of the material into or through the state; and the starting point, termination or exit point, scheduled route, and each alternate route, if any, of the shipment. The act generally retains the requirements governing the content of the notice with two changes. First, it eliminates the specific references to special nuclear material and by-product material in the notice provision indicating the type and quantity of the material to be shipped, thus requiring notice of the type and quantity of material to be shipped. The act also requires the proposed date and time of shipment of material within the state to be included in the notice.

Under law revised in part by the act, in order to constitute effective notification, the notice must be received by the Executive Director at least 48 hours prior to entry of the shipment into the state. The act revises this requirement by requiring the notice to be received by the Executive Director at least four days prior to shipment within, into, or through the state.

Under law partially revised by the act, upon receipt of a notice of any shipment of a large quantity of special nuclear material or by-product material into or through Ohio, the Executive Director must immediately notify the Director of Public Safety, the Director of Environmental Protection, the chairperson of the Public Utilities

Commission, and the sheriff of each county along the proposed route, or any alternate route, of the shipment. The act instead states that upon receipt of a notice of any shipment of material that is subject to the notice requirements, the Executive Director must notify the designated officials. The act also requires the Executive Director to notify the Director of Health and the applicable county emergency management agency and applies the requirement to shipments within the state in addition to shipments into or through the state.

Under continuing law, the carrier or shipper of any shipment that is subject to the notice requirements must immediately notify the Executive Director of any change in the date and time of the shipment or in the route of the shipment into or through the state. The act also applies that requirement to shipments within the state.

Law revised in part by the act states that the notice requirements do not apply to radioactive materials, other than by-products, shipped by or for the United States Department of Defense and the United States Department of Energy. The act revises the exemption by adding that shipments by the Departments of Defense and Energy must be for military or national defense purposes.

Civil penalty

Law retained in part by the act prohibits a person from transporting or causing to be transported into or through the state any large quantity of special or by-product material without first providing the notice described above. The act revises the prohibition by eliminating the reference to any large quantity of special or by-product and instead prohibiting a person from transporting or causing to be transported within, into, or through the state any material that is subject to the act's notice requirements without first providing the required notice.

Under continuing law, whoever violates the requirement to provide notice is guilty of a felony of the fourth degree. Each shipment made in violation of that requirement is a separate offense.

The act imposes civil penalties in addition to the criminal penalty. Under the act, whoever violates the notice provision or the fee provision is liable for a civil penalty in an amount not to exceed ten times the amount of the fee due. The Attorney General, upon the request of the Executive Director of the Emergency Management Agency or the Public Utilities Commission, as applicable, must bring a civil action to collect the penalty. Civil fines collected are required to be deposited into the state treasury to the credit of the Radioactive Waste Transportation Fund.

Alternative energy

(R.C. 4928.64 and 4928.65)

In revising electric regulation law in 2008, the General Assembly established annual benchmarks for alternative energy use by electric distribution utilities and electric service companies. Under law largely unchanged by the act, an alternative energy resource is defined as (1) an advanced energy resource or a renewable energy resource that has a placed-in-service date of January 1, 1998, or after, or (2) a mercantile customer-sited advanced energy resource or renewable energy resource, whether new or existing, that the mercantile customer commits for integration into the electric distribution utility's demand-response, energy efficiency, or peak demand reduction programs as provided in the energy efficiency provisions of the law. The act adds as a possible third category of alternative energy resources any renewable energy resource created on or after January 1, 1998, by the modification or retrofit of a generating facility placed in service before January 1, 1998.

Continuing law authorizes an electric distribution utility or electric services company to use renewable energy credits as a means of complying with the alternative energy requirements specific to use of renewable energy and solar energy resources. But, the requirement in that law that one unit of credit equal one megawatt hour of electricity derived from renewable energy resources was modified by the act. The act allows more than one unit of renewable energy credit to be created for energy produced by an Ohio generating facility of 75 megawatts or greater that has committed by December 31, 2009, to modify or retrofit its generating unit or units to enable generation principally from biomass energy by June 30, 2013. Specifically, the act provides that the energy so generated cannot equal less than one unit of credit and can equal greater units of credit based on the outcome of a formula, that is, the product that is obtained by multiplying the actual percentage of biomass feedstock heat input used to generate such megawatt hour by the quotient obtained by dividing the then existing unit dollar amount used to determine a renewable energy compliance payment authorized under alternative energy law (such a payment is actually a PUCO-prescribed penalty for not complying with that law) by the then existing market value of one renewable energy credit. At least one Ohio utility is planning such a facility. In an April 1, 2009, press release, First Energy Corporation announced plans, which require federal approval, to convert two generating units at its R.E. Berger plant in Shadyside, Ohio (Belmont County) from coal-fired technology to technology that would generate energy principally from biomass.

FEDERAL RECOVERY AND REINVESTMENT

- Requires that, to the extent possible, federal money received for fiscal stabilization and recovery purposes be used to encourage the purchase of supplies and services from Ohio companies and stimulate job growth and retention.
- Adds another "state 'on' indicator" for purposes of triggering extended unemployment benefits in Ohio that is based on the total unemployment rate (TUR), rather than the insured unemployment rate as specified in continuing law; specifies the amount of benefits that must be paid during a high-unemployment period occurring during an extended benefit period triggered by the TUR; adds factors to trigger the corresponding state "off" indicator to end the period of extended benefits available due to the TUR trigger; limits the duration of the state on and off triggers using the TUR and the payment of high-unemployment period benefits for the time period beginning on and after February 22, 2009, and ending either on December 6, 2009, or until the close of the last day of the week ending three weeks prior to the last week for which federal sharing is authorized under the federal stimulus act, whichever is later; stipulates that none of the fully funded federal extended benefits can be charged to "base period" employers or to the mutualized account; makes these provisions regarding extended unemployment benefits apply retrospectively; states that it is the intent of the General Assembly to help qualified unemployed workers access the fully funded federal extended benefits while not increasing the short- or long-term unemployment insurance tax burden on Ohio employers; and includes the provisions regarding extended unemployment benefits in the list of the act's provisions that are immediately effective upon enactment and signature of the Governor.
- Requires the federal payments that are made to the state from the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund pursuant to Title VIII of the American Recovery and Reinvestment Act of 2009 to be credited to the continuing Water Pollution Control Loan Fund and the continuing Drinking Water Assistance Fund, respectively; requires the money so credited to be used and administered to provide financial assistance in any manner that is consistent with the requirements of the Federal Water Pollution Control Act or the Safe Drinking Water Act, respectively, or the American Recovery and Reinvestment Act of 2009; and authorizes the Director of Environmental Protection, for the purpose of obtaining federal payments pursuant to the federal Act, to impose alternative public comment procedures for the draft intended use plan, including alternative time frames for public notice and comment and the frequency of public meetings.

- Creates the position of Deputy Inspector General for Funds Received through the American Recovery and Reinvestment Act of 2009.
- Requires the Department of Education, in consultation with the eTech Ohio Commission, to use federal stimulus funds allocated under the American Recovery and Reinvestment Act of 2009 to establish a competitive grant program for Title I eligible schools and school districts to purchase or lease technology hardware, software, training, and support packages.
- Would have provided that if relocation of a utility or cable facility is directed by the state or a county, township, or municipal corporation and is necessitated by a highway project that is financed in whole or in part by federal stimulus funds, the state, county, township, or municipal corporation must reimburse the utility or cable operator for the cost of the relocation (VETOED).

Use of federal money for fiscal stabilization and recovery purposes

(Section 521.30)

The act requires that, to the extent permitted by federal law, federal money received by the state for fiscal stabilization and recovery purposes must be used in accordance with the preferences for products and services made or performed in the United States and Ohio established under the "Buy Ohio" and "Buy American" programs in continuing law.

Extended unemployment benefits triggered by the total unemployment rate

(R.C. 4141.242 and 4141.301; Sections 756.10, 756.11, and 812.30)

The act adds another state "on" indicator for purposes of triggering additional extended unemployment benefits in Ohio (effective April 1, 2009) that is based on the total unemployment rate (TUR), rather than the insured unemployment rate (IUR) as specified in continuing law for regular extended benefits.

Background

Under Ohio's Unemployment Compensation Law (R.C. Chapter 4141.), a claimant generally is eligible for unemployment compensation benefits for a period of 26 weeks. However, during times of economic difficulty, a claimant may be eligible for an additional 13 weeks of benefits, the cost of which is divided between the state and the federal government. Generally, the 50% paid by Ohio is charged to the account of a contributory employer (most private employers), although reimbursing employers

(public employers and some nonprofit companies) are charged the full amount of extended benefits.

An extended benefit period, under continuing law, means a period that begins with the third week after a week for which there is a state "on" indicator and ends with either of the following weeks, whichever occurs later: (1) the third week after the first week for which there is a state "off" indicator, or (2) the 13th consecutive week of such period. However, no extended benefit period may begin by reason of a state "on" indicator before the 14th week following the end of a prior extended benefit period which was in effect with respect to Ohio.

Extended benefit period triggers under continuing law and the act

(R.C. 4141.301(A))

The Director of Job and Family Services determines the state "on" indicator and the state "off" indicator in accordance with formulas specified in continuing law that are based on Ohio's IUR. The IUR is the percentage derived by dividing:

- The average weekly number of individuals filing claims for regular compensation in Ohio for weeks of unemployment with respect to the most recent 13-consecutive-week period, as determined by the Director on the basis of the Director's reports to the U.S. Secretary of Labor, by
- The average monthly employment covered under the Unemployment Compensation Law, for the first four of the most recent six completed calendar quarters ending before the end of that 13-week period.

Under continuing law, a "state 'on' indicator" exists during a week the Director determines that for the period consisting of that week and the immediately preceding 12 weeks, the IUR under Ohio law either (a) equaled or exceeded 120% of the average of the rates for the corresponding 13-week period ending in each of the preceding two calendar years, and equaled or exceeded 5%, or (b) equaled or exceeded 6%. The corresponding "state 'off' indicator" exists for the state for a week if the Director determines, in accordance with the U.S. Secretary of Labor's regulations, that for the period consisting of that week and the immediately preceding 12 weeks, the criteria in either (a) or (b) above are not satisfied.

Under the act, for weeks of unemployment beginning on or after February 22, 2009, there is a "state 'on' indicator" for Ohio for a week if the Director determines both of the following are satisfied:

(1) That the average TUR, seasonally adjusted, as determined by the Secretary, for the period consisting of the most recent three months for which data for all states are published before the close of that week equals or exceeds 6.5%;

(2) That the average TUR, seasonally adjusted, as determined by the Secretary, for the three-month period described in (1) immediately above, equals or exceeds 110% of the average for either or both of the corresponding three-month periods ending in the two preceding calendar years.

Under the act, for weeks of unemployment beginning on or after February 22, 2009, there is a "state 'off' indicator" for a week if the Director determines, in accordance with the Secretary's regulations, that for the period consisting of that week and the immediately preceding 12 weeks, the TUR, seasonally adjusted, under the Unemployment Compensation Law, was less than 110% of such average for either or both of the corresponding three-month periods ending in the two preceding calendar years, and was less than 6.5%.

Benefit amounts

(R.C. 4141.301(E) and (F))

Under continuing law, the Director is required to make the appropriate public announcement whenever an extended benefit period is to become effective in Ohio, as a result of a state "on" indicator, or an extended benefit period is to be terminated in Ohio as a result of a state "off" indicator. An individual qualifies for extended benefits if the individual has exhausted the individual's regular benefits and otherwise satisfies the requirements under the Unemployment Compensation Law to receive benefits. Under an extended benefit period triggered due to the IUR, the total extended benefit amount payable to any eligible individual with respect to the individual's applicable benefit year is the lesser of the following amounts:

(1) 50% of the total amount of regular benefits, including dependents' allowances, which were payable to the individual under the Unemployment Compensation Law, in the individual's applicable benefit year;

(2) 13 times the individual's weekly benefit amount, including dependents' allowances, which was payable to the individual under the Unemployment Compensation Law, for a week of total unemployment in the applicable benefit year; provided, that in making this computation, any amount that is not a multiple of one dollar is rounded to the next lower multiple of one dollar.

The amount of total extended benefits paid during an extended benefit triggered by the TUR under the act is the same as those paid during an extended benefit triggered

by the IUR under continuing law, except during a "high-unemployment period." The act defines "high-unemployment period" as a period during which an extended benefit period would be in effect if the TUR described in (1) under "**Extended benefit period triggers under continuing law and the act**" above were applied by substituting "8%" for "6.5%."

Effective with respect to weeks beginning in a high-unemployment period, the total extended benefit amount payable to an eligible individual with respect to the applicable benefit year must be the lesser of the following amounts:

(1) 80% of the total amount of regular benefits that were payable to the individual pursuant to the act in the individual's applicable benefit year;

(2) 20 times the individual's average weekly benefit amount that was payable to the individual pursuant to the act for a week of total unemployment in the applicable benefit year.

Charging to employer accounts

(R.C. 4141.301(J); Section 756.11)

The act specifies, unlike the charges made to employer accounts during an extended benefit period triggered under continuing law by the IUR, in the case of payments made during a period triggered by the TUR that are fully funded under the American Recovery and Reinvestment Act of 2009, none of the extended benefits are charged to the accounts of base period employers² or to the mutualized account. The act further states that it is the intent of the General Assembly to help qualified unemployed workers access the federally funded extended benefits prescribed under the American Recovery and Reinvestment Act of 2009 while not increasing the short- or long-term federal and state unemployment insurance tax burden on Ohio employers.

Effective dates

(R.C. 4141.301; Sections 756.10 and 812.30)

The act states that the TUR trigger described above and the payment of high-unemployment benefits are effective on and after February 22, 2009, and cease to be

² "Base period" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year, except that if an individual does not have sufficient qualifying weeks and wages in the base period to qualify for benefit rights, the individual's base period is the four most recently completed calendar quarters preceding the first day of the individual's benefit year, which is referred to as the "alternate base period" (R.C. 4141.01(Q), not in the act). Thus, a "base period employer" is an employer who employs an individual during the individual's base period.

effective either on December 6, 2009, or until the close of the last day of the week ending three weeks prior to the last week for which federal sharing is authorized under the American Recovery and Reinvestment Act of 2009³ whichever is later. Thus, the "state 'on' indicator" triggered by the TUR and the "high-unemployment period" benefit payments are in effect only during the time period that the federal government pays 100% of extended benefits.

Continuing law states that any statute is presumed to be prospective in its operation unless expressly made retrospective (R.C. 1.48, not in the act). This act, however, states that the provisions of the act creating the "state 'on' indicator" and the "state 'off' indicator" triggered by the TUR and the high-unemployment period triggered by the TUR apply retrospectively. Additionally, the act specifies that the provisions of the act concerning the TUR trigger are immediately effective upon enactment and the signature of the Governor.

Crediting of federal economic stimulus payments to Water Pollution Control Loan Fund and Drinking Water Assistance Fund

(Sections 521.10 and 521.20)

The act requires the federal payments that are made to the state from the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund pursuant to Title VIII of the American Recovery and Reinvestment Act of 2009 to be credited to the ongoing Water Pollution Control Loan Fund and the ongoing Drinking Water Assistance Fund, respectively. In addition, the act states that notwithstanding the requirements in continuing law concerning the Water Pollution Control Loan Fund and the Drinking Water Assistance Fund, the money so credited to each Fund must be used and administered to provide financial assistance in any manner that is consistent with the Federal Water Pollution Control Act or the Safe Water Drinking Act, respectively, or the American Recovery and Reinvestment Act of 2009.

The act authorizes the Director of Environmental Protection, for the purpose of obtaining federal payments pursuant to Title VIII of the American Recovery and Reinvestment Act of 2009, to impose alternative public comment procedures for the draft intended use plan, including alternative time frames for public notice and comment and the frequency of public meetings, notwithstanding the requirements in ongoing law and rules adopted under it governing the Water Pollution Control Loan Fund and the Drinking Water Assistance Fund and certain procedural rules governing the Environmental Protection Agency.

³ Section 2005(a) of Pub. L. No. 111-5, 123 Stat. 115.

Creation of the position of Deputy Inspector General for Funds Received through the American Recovery and Reinvestment Act of 2009

(R.C. 121.53; Sections 105.05 and 812.30)

The act creates, effective April 1, 2009 and until September 30, 2013, the position of Deputy Inspector General for Funds Received through the American Recovery and Reinvestment Act of 2009. Like the Deputy Inspector General for the Department of Transportation (a position that was created in 2007), the new Deputy Inspector General is to be appointed by and serve at the pleasure of the Inspector General. Technical, professional, and clerical assistance for the new Deputy Inspector General is to be provided by the Inspector General. Costs incurred by the new Deputy Inspector General are to be paid out of the Deputy Inspector General for Funds Received through the American Recovery and Reinvestment Act of 2009 Fund, which the act creates in the state treasury.

The new Deputy Inspector General is to monitor relevant state agencies' distribution of funds received from the federal government under the American Recovery and Reinvestment Act of 2009 and to investigate all wrongful acts or omissions committed by officers or employees of, or contractors with, relevant state agencies with respect to money received under the federal act. Also, like the Deputy Inspector General for the Department of Transportation, the new Deputy Inspector General is to conduct a program of random review of the processing of contracts associated with projects to be paid for with such money. Other powers and duties of the new Inspector General are also modeled on those of the Deputy Inspector General for the Department of Transportation.

"Relevant state agencies" is defined in the act as any organized body, office, or agency established by the laws of Ohio for the exercise of any state government function insofar as those agencies are the recipients or distributors of funds apportioned under the American Recovery and Reinvestment Act of 2009, but specifically excludes (1) the General Assembly, (2) any court, and (3) the Secretary of State, Auditor of State, Treasurer of State, Attorney General, and their respective offices.

Twenty-First Century Learning Environments Technology Grant Program

(Sections 311.10 and 315.20)

The act appropriates to the Department of Education, for fiscal year 2009, \$23.9 million of federal stimulus funds for education technology from the American Recovery and Reinvestment Act of 2009. The Department, in consultation with the eTech Ohio

Commission,⁴ must use up to \$11.6 million of those funds to establish and implement the Twenty-First Century Learning Environments Technology Grant Program. Under that program, the Department must award competitive grants to Title I eligible⁵ schools and school districts for the purchase or lease of technology hardware, software, training, and support packages (called "education solution packages") that meet the specifications developed jointly by the Department and the Commission. The packages must include (1) hardware and software, including wireless laptop computers, for creating content, project-based learning, and "student-centered collaborative learning practices," (2) access to digital content through a statewide content repository, (3) professional development that is supported by the integration of technology, and (4) technical support. At least 25% of each grant award must be used for professional development that focuses on using digital environments to enhance teaching methods and includes at least one component of in-the-classroom training. The Department must limit the number of grant awards so that each award is sufficient to create large-scale learning environment changes. The Department also must award grants so that there is diversity among grant recipients according to geographical regions, economic scale, and school district size.

Districts are permitted to combine the funds they receive under the grant program with other federal, state, and local funds. Also, the Department and the Commission must assist districts that do not receive grants under the program in applying the program's specifications to the purchase of solution packages with other funds.

Program goals

The act states "goals" to guide the operation of the program and the development of the specifications for education solution packages. Those goals are:

(1) To facilitate innovative teaching and learning strategies that help accelerate student achievement in core academic subject areas;

(2) To help students develop 21st Century skills, including critical thinking and problem solving, communication and collaboration, media literacy, leadership and productivity, adaptability and accountability;

⁴ The eTech Ohio Commission is a state agency that provides financial and technical assistance to school districts, other educational entities, public television and radio stations, and radio reading services for the acquisition and use of educational technology and for the development of educational materials.

⁵ "Title I" is a long-standing federal education program providing targeted funds to schools with relatively high concentrations of economically disadvantaged students. The funds generally are paid to school districts through the state Department of Education according to a federal formula.

(3) To demonstrate ways for schools to invest in learning environments that improve academic effectiveness and efficiencies, including ways for schools to use a portion of their base funding to invest in appropriate digital environments that enable proven practices;

(4) To demonstrate ways that mobile technology can extend learning time, improve academic engagement, and accelerate achievement for low-performing students;

(5) To demonstrate ways in which technology can enable innovative teaching formats, including project-based learning, interdisciplinary methods, relevance, and community service learning that lead to improved academic achievement; and

(6) To demonstrate how teachers and students can create and access multimedia content that is shared utilizing the "Ohio iTunes U" web site⁶ and other online distribution mechanisms.

Reimbursement for utility or cable facilities relocated due to highway project financed by federal stimulus funds (VETOED)

(Section 756.55)

Continuing law requires the state to reimburse a utility for the cost of relocation of utility facilities due to a highway construction project only if the utility can prove it has a vested interest in the nature of a fee interest, an easement interest, or a lesser estate in the real property it occupies if the utility possesses a vested interest in the property. The utility is required to present evidence satisfactory to the state that substantiates the relocation cost. The Director of Transportation may audit all financial records that the Director determines are necessary to verify these actual costs. For purposes of these provisions, "utility" includes publicly, privately, and cooperatively owned utilities that are subject to the authority of the Public Utilities Commission.

The act would have provided that, notwithstanding continuing law, if relocation of utility facilities or any part of a utility facility is directed by the state or a county, township, or municipal corporation and is necessitated by the construction, reconstruction, improvement, maintenance, or repair of a road, highway, or bridge that is financed in whole or in part by federal funds provided as part of or as a result of the American Recovery and Reinvestment Act of 2009, and the affected utility meets the

⁶ iTunes U is a library of educational materials offered by Apple Computer on its iTunes store site. Ohio iTunes U is an Ohio-specific library developed by the eTech Ohio Commission available through the iTunes U site. Other Ohio institutions, such as The Ohio State University, have developed their own separate libraries available on iTunes U.

project utility relocation work schedule as agreed to between the utility and the state, county, township, or municipal corporation, then the state, county, township, or municipal corporation is required to reimburse the utility for the cost of the relocation, first, in the same proportion as federal funds are expended on the project and, second, as otherwise provided in continuing utility relocation reimbursement law or any other provision of state law. For purposes of this provision, "utility" would have included not only publicly, privately, and cooperatively owned utilities that are subject to the authority of the Public Utilities Commission but also a public utility, other than a telephone company, that is owned and operated exclusively by and solely for the utility's customers, a pipeline facility that is regulated under federal law, an electric cooperative, and a cable operator as defined in the federal Cable Communications Policy Act of 1984 and the Telecommunications Act of 1996 and includes the provision of other information or telecommunications services, or both.

MISCELLANEOUS

- Would have established elements to be included as a part of a competitive selection process regarding a contract to operate a motor vehicle emissions inspection program (VETOED).
- Expands the definition of "bicycle" to include human-powered devices with two wheels in front and one wheel in the rear (not including those designed solely for use as a play vehicle by a child).
- Requires the headlights of a vehicle to be lighted when the windshield wipers of that vehicle are in use, provides for secondary enforcement of the new requirement, and provides that for the first six months that this requirement is in effect no ticket may be issued for a violation of the new requirement, only a warning.
- Requires a driver to move over or slow down upon approaching a stationary road service vehicle or emergency vehicle that is displaying a flashing, oscillating, or rotating amber light.
- Extends continuing law governing debt issuance to support the Clean Ohio program to reflect the recent adoption of Section 2q, Ohio Constitution, which provides additional debt authority for conservation and revitalization purposes.
- Provides specific authorization for the issuance of \$60 million in state general obligations and \$60 million in state revenue bonds to fund the Clean Ohio program in addition to the amounts authorized in Am. Sub. H.B. 562 of the 127th General Assembly.

- Extends for the 2010-2011 fiscal biennium the motor fuel shrinkage allowance for distributors and retail dealers of motor fuel applicable to FY 2008-2009 (1% and 0.5%, respectively).
- Allocates a portion of the money collected by the courts from moving violations to the Justice Program Services Fund.
- Designates the City of Dayton and Montgomery County as an Ohio hub of innovation and opportunity for aerospace and aviation.
- Requires the Director of Administrative Services to annually report to the Governor and to the members of the General Assembly the progress made by state agencies in advancing the Minority Business Enterprise (MBE) and the Encouraging Diversity, Growth, and Equity (EDGE) Programs.
- Requires parties to contracts awarded using money appropriated under the act to comply with all applicable federal and state laws, including the requirements of the MBE, EDGE, and "Buy Ohio" programs.
- Requires the Director of Development to establish an Energy Star Rebate Program to provide rebates to consumers for household devices carrying the federal Energy Star Label.
- Permits the Director of Natural Resources to create an Ohio All-Purpose Vehicle Advisory Board to provide advice and receive input regarding all-purpose vehicle trails and trail maintenance and states that such authority and such a board cease to exist two years after the provision's effective date unless the General Assembly reauthorizes the authority and the board.
- Requires every motor vehicle tire or wheel road hazard service contract in which the provider of the contract is not a tire manufacturer, and every motor vehicle ancillary protection contract, to be covered by a reimbursement insurance policy.
- Modifies provisions regarding dissemination of the results of a criminal records check that pertains to a person seeking to be a qualified pharmacy technician and enacts a new criminal prohibition and penalty regarding alteration of the results of such a records check, as an emergency measure.
- Modifies a provision regarding dissemination of the results of a criminal records check that pertains to an applicant for any of a list of specified professional licenses, as an emergency measure.

- Makes changes to the statute that requires employers to offer to employees continuation of group health insurance coverage after termination of employment including removal of the eligibility for unemployment compensation requirement and lengthening the eligibility period from 6 to 12 months and specifies that those changes are effective immediately, but also automatically are repealed effective January 1, 2010 and the statute will revert to its original set of requirements.
- Provides that certain procedures for the termination of nonmaintained status of certain county and township roads do not apply if such a road, prior to being placed on nonmaintained status, was not certified by the board of county commissioners or board of township trustees to the Director of Transportation as mileage in the county or township that is used by and maintained for the public.
- Requires the Governor to appoint the administrator of the Rehabilitation Services Commission.
- Makes technical corrections to R.C. 4511.181 and 4511.191.

Competitive selection process for motor vehicle emissions inspections (VETOED)

(Sections 756.60, 901.10, and 901.11)

The Governor vetoed a provision that would have required the Director of Administrative Services to ensure that a competitive selection process regarding a contract to operate a motor vehicle emissions inspection program incorporated the following elements, which would have been required to be included in the contract:

(1) A requirement that the vendor selected to operate the program provide notification of the program's requirements to each owner of a motor vehicle that is required to be inspected under the program. The notification would have been required to be provided not later than 60 days prior to the date by which the owner of the motor vehicle is required to have the motor vehicle inspected. The Director of Environmental Protection and the vendor would have been required to jointly agree on the content of the notice. However, the notice would have been required at a minimum to include the locations of all inspection facilities within a specified distance of the address that is listed on the owner's motor vehicle registration.

(2) A requirement that the vendor selected to operate the program spend not more than \$500,000 over the term of the contract for public education regarding the locations at which motor vehicle inspections will take place;

(3) A requirement that the vendor selected to operate the program acquire all facilities that were previously utilized for motor vehicle emissions inspections via arm's-length transactions at the discretion of the interested parties if the vendor chose to utilize those inspection facilities for purposes of the contract. The competitive selection process would have been required to not include a requirement that a vendor pay book value for such facilities.

(4) A requirement that the motor vehicle emissions inspection program utilize established local businesses, such as existing motor vehicle repair facilities, for the purpose of expanding the number of inspection facilities for consumer convenience and increased local business participation.

Any competitive selection process that is or has been initiated for purposes of a new contract to operate a motor vehicle emissions inspection program would have been required to comply with the above provisions.

Expansion of the definition of "bicycle"

(R.C. 4501.01 and 4511.01)

Under prior law, "bicycle" was defined in the motor vehicle and traffic laws as being a device, "other than a tricycle that is designed solely for use as a play vehicle by a child," that is propelled solely by human power and that has either one wheel in front and one wheel in the rear or one wheel in front and two wheels in the rear, any of which is more than 14 inches in diameter. The act expands the definition of "bicycle" to include a device with two wheels in front and one wheel in the rear, any of which is more than 14 inches in diameter." The change has the effect of treating upright trikes, recumbent tadpole trikes, industrial trikes, and pedicabs the same as conventional two-wheel bicycles on the road for purposes of the law.

Vehicle headlights on when wipers are in use

(R.C. 4511.093 and 4513.03; Section 756.15)

Continuing law generally requires every vehicle operated on a street or highway within Ohio to display lighted lights and illuminating devices as required by law during the time from sunset to sunrise and at any other time when, because of insufficient natural light or unfavorable atmospheric conditions, persons, vehicles, and substantial objects on the highway are not discernible at a distance of 1,000 feet ahead.

The act expands these requirements to include the use of lighted lights and illuminating devices when the windshield wipers of the vehicle are in use because of precipitation on the windshield, but provides for secondary enforcement of this new

requirement. What this means is that notwithstanding any provision of law to the contrary, a law enforcement officer cannot cause the operator of a motor vehicle being operated upon a street or highway within this state to stop the vehicle solely because the officer observes that the vehicle is or was being operated with its windshield wipers in use due to the presence of precipitation on the windshield without its lights and illuminating devices being lighted or for the sole purpose of issuing a ticket for such a violation, or causing the arrest of or commencing a prosecution of a person for such a violation.

The act provides further that for the six-month period commencing on the act's general effective date, no law enforcement officer may issue to any motor vehicle operator a ticket for a violation of the new requirement, or cause the arrest of or commence a prosecution of a person for such a violation. Instead, during that period the law enforcement officer is required to issue to such an operator a written warning, informing the operator of the existence of the new requirement and that at the end of that six-month period, a law enforcement officer who observes a motor vehicle operator who has committed or is committing a violation of the new requirement will be authorized to issue a ticket to that operator for that violation or to cause the arrest of or commence a prosecution of such an operator for that violation.

Road service and emergency vehicles

(R.C. 4511.01 and 4511.213)

Under current law, when the driver of a motor vehicle approaches a stationary public safety vehicle (generally an ambulance, police, or fire vehicle) that is displaying its emergency lights, the driver must change lanes into a lane that is not adjacent to that of the stationary public safety vehicle if the highway configuration allows such movement and the movement can be done safely; if the driver cannot safely move to an adjacent lane of travel, the driver must proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather, and traffic conditions. Violation of this law is a minor misdemeanor on a first offense; if, within one year, the offender has been convicted of or pleaded guilty to one violation of certain similar offenses, the offense is a misdemeanor of the fourth degree; and upon a third or subsequent violation of certain similar offenses within one year, the offense is a misdemeanor of the third degree.

Under the act, a driver also must pull over or slow down as described above upon approaching a stationary emergency vehicle or road service vehicle that is displaying the appropriate visual signals by means of flashing, oscillating, or rotating amber lights as authorized under existing law (R.C. 4513.17, not in the act). The act defines "road service vehicle" as a wrecker, utility repair vehicle, and state, county, and

municipal service vehicle equipped with visual signals by means of flashing, rotating, or oscillating lights. Current law defines "emergency vehicle" as emergency vehicles of municipal, township, or county departments or public utility corporations when identified as such as required by law, the Director of Public Safety, or local authorities, and motor vehicles when commandeered by a police officer.

Clean Ohio program debt authority expansion

(R.C. 133.52, 151.01, 151.09, and 151.40; Sections 610.20 and 610.21)

In 2000, Ohio voters adopted Section 2o of Article VIII, Ohio Constitution authorizing the issuance of bonds to be used for conservation and revitalization purposes (the "Clean Ohio" program). The General Assembly subsequently enacted legislation to implement the Clean Ohio program, including debt-issuance authority (Am. Sub. H.B. 3 of the 124th General Assembly). Section 2o and the implementing law provide that the Ohio Public Facilities Commission is authorized to issue up to \$200 million in general obligation bonds at any one time, the proceeds of which benefit the Clean Ohio Conservation Fund, the Clean Ohio Trail Fund, and the Clean Ohio Agricultural Easement Fund. Section 2o and the implementing law also provide for the issuance of revenue bonds for revitalization purposes. These obligations are not general obligations of the state, and the full faith and credit, revenue, and taxing power of the state are not pledged to the payment of debt service on the obligations. The Treasurer of State is authorized to issue these bonds, up to \$200 million at any one time, the proceeds of which are to be credited to the Clean Ohio Revitalization Fund. For both the general obligation bonds and revenue bonds, not more than \$50 million principal amount of each may be issued in any fiscal year, plus the principal amount of any obligations that could have been issued in a prior fiscal year but were not issued.

In 2008, Ohio voters adopted Section 2q of Article VIII, Ohio Constitution, an identical provision to Section 2o. This constitutional amendment authorizes an additional issuance of bonds to be used for the same conservation and revitalization purposes described above. Identical to Section 2o, up to \$200 million may be issued in general obligations at any one time for conservation purposes. Similarly, up to \$200 million in revenue bonds may be issued at any one time for revitalization purposes. Also, for both types of debt, the same \$50 million annual limit for issuance of each is imposed. Under the combined constitutional authority of Sections 2o and 2q, up to \$400 million in general obligation bonds may be issued for conservation purposes and up to \$400 million in revenue bonds may be issued for revitalization purposes at any one time. The combined per fiscal year limitation on bond issuance is now \$100 million.

Additionally, under Section 2o and its implementing law, a county, municipal corporation, or township is authorized to issue or incur public obligations, including

general obligations, to provide, or assist in providing, grants, loans, loan guarantees, or contributions for conservation and revitalization purposes pursuant to Section 2o. Section 2q provides the same constitutional authority.

The act extends the Section 2o implementing law to include the debt authority granted to state and local governments under Section 2q. In addition, with respect to the general obligations and revenue bonds that may be issued by the state, the act increases the implementing law's outstanding debt limitation of \$200 million to \$400 million for each type of debt. The act does not, however, increase the current limitation of \$50 million per fiscal year imposed under the implementing law for issuances of state general obligations or revenue bonds.

Pursuant to the extension of the implementation authority, the act (1) authorizes the Ohio Public Facilities Commission to issue \$60 million in general obligations and the Treasurer of State to issue \$60 million in revenue bonds, and (2) appropriates the proceeds to fund the Clean Ohio program. This debt is in addition to the debt authorized in Am. Sub. H.B. 562 for the same purposes.

Motor fuel excise tax: continuation of current evaporation and shrinkage allowance

(R.C. 5735.06 and 5735.141, not in the act; Section 757.10)

Under continuing law, a motor fuel excise tax of 28¢ per gallon is imposed on motor fuel dealers. The codified law governing the motor fuel excise tax (R.C. 5735.06) provides that a motor fuel dealer filing a complete and timely monthly tax report with payment is entitled to deduct the tax due for 3% of the fuel gallonage the dealer received, minus 1% of the fuel gallonage sold to retail dealers. This deduction is to cover the costs of filing the report and to account for evaporation, shrinkage, and other losses. The transportation appropriations act for the 2008-2009 fiscal biennium, Am. Sub. H.B. 67 of the 127th General Assembly, reduced the 3.0% deduction for fiscal years 2008 and 2009 to 1.0% (minus 0.50% of gallonage sold to retail dealers--see below).

The act extends for the 2010-2011 fiscal biennium the uncodified 1.0% motor fuel shrinkage allowance for motor fuel dealers (minus 0.5% of gallonage sold to retail dealers).

Under the ongoing codified motor fuel excise tax law, retail dealers of motor fuel who have purchased fuel on which the motor fuel excise tax has been paid are granted a refund for evaporation and shrinkage equal to 1.0% of the taxes paid on the fuel each semiannual period (R.C. 5735.141). Am. Sub. H.B. 67 reduced the refund percentage to 0.50% for fiscal years 2008 and 2009.

The act extends for the 2010-2011 fiscal biennium the uncodified 0.5% retail dealer shrinkage refund of the taxes paid on the fuel received by a retail dealer.

Court costs for moving violations

(R.C. 2949.094(A), (B), and (C), 5502.67, and 5502.68)

Under continuing law, the court in which any person is convicted of or pleads guilty to any moving violation, including a juvenile court in the case of a juvenile traffic offender, must impose an additional court cost of \$10 on the offender. Formerly, the clerk of court was required to transmit 35% of the money collected under this requirement to the Division of Criminal Justice Services, and the Division was required to deposit the money received into the Drug Law Enforcement Fund operating pursuant to R.C. 5502.68. Under continuing law, if the person charged with a moving violation posts bail, the \$10 is added to the amount of bail and retained by the clerk of court until the person is convicted, pleads guilty, forfeits bail, is found not guilty, or has the charges dismissed. Formerly, if the person was convicted, pled guilty, or forfeited bail, the clerk of court was required to transmit \$3.50 (35%) of the \$10 additional bail to the Drug Law Enforcement Fund. The act alters the transmission and distribution of the money collected by the clerk of court under these provisions. Under the act, the clerk of court is required to transmit the money to the state treasury, of which, 97% is credited to the Drug Law Enforcement Fund and 3% is credited to the Justice Program Services Fund operating pursuant to R.C. 5502.67. The act amends R.C. 5502.67 to acknowledge the addition of this money to the Justice Program Services Fund and also amends R.C. 5502.68 to state that the Drug Law Enforcement Fund will receive 97%, instead of 100%, of this money.

Designation of the City of Dayton and Montgomery County as an Ohio hub for aerospace and aviation innovation and opportunity

(R.C. 5.24)

The act designates the City of Dayton and Montgomery County as an Ohio hub of innovation and opportunity for aerospace and aviation.

Annual report regarding agency MBE and EDGE initiatives

(R.C. 123.153)

The act requires the Director of Administrative Services to submit, on October 1 of each year, a written report to the Governor and to each member of the General Assembly describing the progress made by state agencies in advancing the Minority Business Enterprise (MBE) Program and the Encouraging Diversity, Growth, and

Equity (EDGE) Program. The report is to highlight the initiatives implemented to encourage participation of minority-owned, as well as socially and economically disadvantaged, businesses in programs funded by federal money received by Ohio for fiscal stabilization and recovery purposes. It also must include the total number of procurement contracts each agency has entered into with certified minority business enterprises, as defined in section 123.151 of the Revised Code, and EDGE business enterprises, as defined in section 123.152 of the Revised Code.

Contract compliance with federal and state laws

(Section 756.50)

The act requires parties to contracts awarded using money appropriated under the act to comply with all applicable federal and state laws, including the requirements of the MBE, EDGE, and "Buy Ohio" programs.

Energy Star Rebate Program

(R.C. 122.077)

The act requires the Director of Development to establish an Energy Star Rebate Program under which the Director provides rebates to consumers for household devices carrying the Energy Star Label indicating that the device meets the energy efficiency criteria of the Energy Star Program established by the United States Department of Energy and the United States Environmental Protection Agency. The Director is to adopt rules under the Administrative Procedure Act that are necessary for successful and efficient administration of the Energy Star Rebate Program, and is to specify in the rules that "grant availability" is limited to federal stimulus funds or any other funds specifically appropriated for such a program. The purpose of the Energy Star Rebate Program is to promote the use of energy efficient products to reduce greenhouse gas emissions in Ohio.

Ohio All-Purpose Vehicle Advisory Board

(Section 715.10)

The act permits the Director of Natural Resources to create an Ohio All-Purpose Vehicle Advisory Board to provide advice and receive input regarding all-purpose vehicle trails and trail maintenance. The act states that such authority and such a board cease to exist two years after the provision's effective date unless the General Assembly reauthorizes the authority and the board.

Reimbursement insurance policies

Motor vehicle tire or wheel road hazard contracts and motor vehicle ancillary product protection contracts

(R.C. 3905.425 and 3905.426)

When a consumer purchases certain products, the consumer may be offered a separate service contract under which, for an additional payment, a "provider" (the person who is contractually obligated to a contract holder under the terms of the contract) agrees to repair or replace, or pay the costs of repairing or replacing, the product purchased by the "contract holder" (the purchaser of the contract or anyone else who assumes the purchaser's rights under the contract) if the product becomes damaged during the term of the contract. The act deals with two types of such service contracts:

(1) A motor vehicle tire or wheel road hazard contract, under which the provider agrees to repair or replace, or pay the costs of repairing or replacing, a tire or wheel if it becomes damaged because of a pothole, nail, glass, road debris, curb, or other road hazard;

(2) A motor vehicle ancillary product protection contract, under which the provider agrees to (a) repair or replace glass on a motor vehicle necessitated by wear and tear or damage caused by a road hazard, (b) remove a dent, ding, or crease without affecting the existing paint finish by using paintless dent removal techniques (excluding replacement of a vehicle body panel, sanding, bonding, or painting), or (c) repair the interior components of a motor vehicle necessitated by wear and tear (excluding replacement of any part or component of the vehicle's interior).

To ensure that the contract holder will be protected in case the provider goes out of business or for some other reason does not make good on the contract, the act requires all motor vehicle tire or wheel road hazard contracts except those contracts in which the provider is a tire manufacturer, and all motor vehicle ancillary product protection contracts, issued in Ohio to be covered by a reimbursement insurance policy that meets the requirements of the act. If the service contract is so covered, the contract does not constitute insurance and is not subject to the insurance laws of Ohio unless the issuer of the service contract is an insurer authorized or eligible to do business in Ohio.

The reimbursement insurance policy must state that (1) if the provider fails to perform or make payment due under the contract within 60 days after the contract holder requests performance or payment, the contract holder may request performance or payment from the provider's reimbursement insurance policy insurer, including any obligation in the contract by which the provider must refund the contract holder upon

cancellation of the contract, and (2) if the provider's reimbursement insurance policy is canceled, insurance coverage will continue for all contract holders whose contracts were reported to the insurer for coverage during the term of the insurance policy. The recourse the consumer has to the reimbursement insurance policy insurer must be conspicuously stated in the tire or wheel road hazard contract or ancillary product protection contract itself, along with the name, address, and telephone number of the insurer.

In the case of a motor vehicle tire or wheel road hazard contract in which the provider is a tire manufacturer and, therefore, is exempt from having to obtain a reimbursement insurance policy for the contract, the service contract must conspicuously state (1) that the obligations or claims covered by the contract are the responsibility of the provider, (2) the names, addresses, and telephone numbers of any administrator responsible for the administration of the contract, the provider obligated to perform under the contract, and the contract seller, and (3) the procedure for making a claim under the contract, including a toll-free telephone number for claims service and a procedure for obtaining emergency repairs or replacement performed outside normal business hours.

Consumer goods service contracts

(R.C. 3905.423)

The Revised Code already contains a law dealing with "consumer goods service contracts" that is similar to the new laws dealing with motor vehicle tire or wheel road hazard contracts and motor vehicle ancillary product protection contracts. The act aligns language in the consumer goods service contracts law with language in the new laws by adding:

(1) A statement that a consumer goods service contract does not include a contract to perform or pay for the repair, replacement, or maintenance of a motor vehicle that is "due to a defect in materials or workmanship, normal wear and tear, mechanical or electrical breakdown, or failure of parts or equipment of a motor vehicle";

(2) A requirement that the reimbursement insurance policy covering a consumer goods service contract state that if the provider's reimbursement insurance policy is canceled, insurance coverage will continue for all contract holders whose consumer goods service contracts were reported to the insurer for coverage during the term of the insurance policy.

Dissemination of results of criminal records checks required for a person to serve as a pharmacy technician or required for certain professional licenses

Pharmacy technicians

(R.C. 3719.21, 4729.42, 4729.99, 4776.02(B)(2), and 4776.04(B); Sections 901.10 and 901.11)

Preexisting law specifies that, generally, only a pharmacist, pharmacy intern, or qualified pharmacy technician may engage in specified pharmacy-related activities and establishes criteria that a person must satisfy in order to be a qualified pharmacy technician. Among the criteria required for a qualified pharmacy technician are that the person submit to a criminal records check and that the results of the records check show that the person has no prior felony conviction in Ohio or any other jurisdiction. The records check is conducted by the Bureau of Criminal Identification and Investigation (BCII) and includes a check of Ohio records by BCII under R.C. 109.572(B)(1) and a request from BCII to the FBI for any information the FBI has pertaining to the person. Formerly, upon completion of the records check, BCII's Superintendent was required to report the results of the records check and any information the FBI provided to the person who submitted the request for the records check and to the employer or potential employer specified in the request. Otherwise, the results of the records check, including any information the FBI provides, were not public records and could not be made available to any person or for any purpose.

The act modifies the preexisting provisions regarding the dissemination of the results of criminal records checks that pertain to persons seeking to be qualified pharmacy technicians, because of FBI restrictions against the dissemination of information it provides under a request for a records check, and enacts a new criminal prohibition and penalty regarding alteration of the results of such a records check. The act specifies that these modifications and enactments are emergency measures.

Under the act:

(1) Upon completion of a criminal records check submitted by a person seeking to satisfy the criteria for being a qualified pharmacy technician, BCII's Superintendent must: (a) report the results of the records check and any information the FBI provides to the person who submitted the request (i.e., the subject of the records check), and (b) report the results of the portion of the records check that BCII performs using Ohio records under R.C. 109.572(B)(1) to the employer or potential employer specified in the request and send a letter to that employer or potential employer regarding the information provided by the FBI that states either that based on that information there is no record of any conviction or that based on that information the person who

submitted the request may not meet the criteria that are specified "in R.C. 4729.02," whichever is applicable. R.C. 4729.02, which is not in the act, does not set forth criteria for qualified pharmacy technicians; rather, the criteria for qualified pharmacy technicians are set forth in R.C. 4729.42, and the context of the act's provisions imply that this reference is a mistaken cross-reference and was intended to be a reference to R.C. 4729.42. Otherwise, the results of the records check, including any information the FBI provides, are not public records and cannot be made available to any person or for any purpose.

(2) A person who wishes to be a qualified pharmacy technician, who submits to a criminal records check under the preexisting criteria, and who obtains a report containing the results of the records check and any information the FBI provides is prohibited from modifying or altering, or allowing another person to modify or alter, any item, record, or information contained in the report and thereafter using the modified or altered report in an attempt to become a qualified pharmacy technician or for any other purpose identified in the preexisting offense of "falsification." The act, due to a mistaken cross-reference, does not provide a penalty for a violation of this prohibition. In the criminal penalty provisions enacted by the act in R.C. 4729.99, instead of providing a penalty for a violation of this prohibition, which is set forth in R.C. 4729.42(E), the act mistakenly specifies that a violation of "R.C. 4749.02(E)" is the offense of falsification under R.C. 2921.13 and that, in addition to any other sanction imposed for the offense, a person who violates "R.C. 4749.02(E)" is forever disqualified from performing the specified pharmacy-related activities specified in "R.C. 4749.02(B)(1), (2), or (3)" and from performing any function as a health care professional or health care worker. R.C. 4749.02(E) does not exist, and the context of the act's provisions imply that the penalty described in this paragraph was intended to apply to a violation of the prohibition set forth in R.C. 4729.42(E), as described in this paragraph. As used in this provision of the act, "health care professional" and "health care worker" have the same meanings as in preexisting R.C. 2305.234, unchanged by the act.

Professional licenses

(R.C. 4776.02(B)(1) and 4776.04(A); Sections 901.10 and 901.11)

Related to the changes described above in "**Pharmacy technicians**," although not pertaining to pharmacy technicians, the act modifies a preexisting provision regarding the dissemination of criminal records check results that pertain to a records check performed upon request of an applicant for a professional license issued under R.C. Chapter 4701., 4717., 4725., 4729., 4730., 4731., 4732., 4734., 4740., 4741., 4755., 4757., 4759., 4760., 4761., 4762., or 4779., or under R.C. 4715.12, 4715.16, 4715.21, or 4715.27. Under preexisting law, the criminal records check procedure for the licenses was similar to the procedure described above regarding pharmacy technicians, BCII was required to

make the results of the records check, including any information the FBI provides, available to the licensing agency, and the licensing agency was required to make the results available to the applicant or the applicant's representative. The act repeals the requirement that the licensing agency make the results available to the applicant's representative. The act specifies that this modification is an emergency measure.

Continuation of group health insurance coverage

(R.C. 1751.53 and 3923.38; Sections 120.10, 120.11, 120.12, 901.10, and 901.11)

Prior law required group health insurance contracts offered by health insuring corporations, sickness and accident insurers, and private or public self-insured plans to include a provision that allows eligible employees and their dependents to continue receiving coverage under the group contract at the employee's expense for six months after the employee's employment is terminated. The act lengthens the time that the employee would be eligible for continued coverage from six months to twelve months.

The act also eliminates the requirement that an individual be eligible for unemployment compensation in order to be eligible for continued coverage under the individual's group contract after termination of employment and requires only that the individual's employment has not been terminated voluntarily or as a result of any gross misconduct on the part of the individual.

Prior law specified that the continuation of coverage is not required to include dental, vision care, prescription drug benefits, or any other benefits provided under the policy in addition to its hospital, surgical, or major medical benefits provided by a group sickness and accident insurance policy. The act removes prescription drug benefits from that list.

Additionally, the act requires employees to notify the health insuring corporation or insurer if the employee elects continuing coverage and allows the health insuring corporation or insurer to require the employer to provide documentation if the employee elects continuation of coverage and is seeking premium assistance for the continuation of coverage under the American Recovery and Reinvestment Act of 2009. The "Director of Insurance" (presumably, this refers to the Superintendent of Insurance) must publish guidance for employers and health insuring corporations concerning the contents of that documentation.

The act's changes to the law regarding continuation of group health insurance coverage are declared to be an emergency measure, effective immediately. However the act also automatically repeals the changes effective January 1, 2010 and reverts the law to its original set of requirements.

County and township roads on nonmaintained status

(R.C. 5541.05 and 5571.20)

Continuing law permits boards of county commissioners, by resolution, to place graveled or unimproved county roads under their jurisdiction that are not passable year-round or any portion of such a road on nonmaintained status. Continuing law also gives this same authority to boards of township trustees for graveled or unimproved township roads under their jurisdiction that are not passable year-round or any portion of such a road. Prior to adopting a resolution that places a road on nonmaintained status, the board of county commissioners or board of township trustees ("board") must hold at least two public hearings to allow for public comment on the proposed resolution. Upon adoption of such a resolution, the board is not required to cause the road (county or township) to be dragged at any time, or to cut, destroy, or remove any brush, weeds, briars, bushes, or thistles upon or along the road, or to remove snow from the road, or to maintain or repair the road in any manner.

Under continuing law, the owner of land adjoining a road that was placed on nonmaintained status prior to April 7, 2009, or the owner of land whose only access to such a road is by easement, may petition the board for review of the nonmaintained status of the road if the road provides the exclusive means for obtaining access to the land. Upon receipt of a petition, the board is required to review the status of the road and must terminate the nonmaintained status if the board finds that the road provides the exclusive means for obtaining access to the land. After completing the review, the board is required to adopt a resolution either retaining or terminating the nonmaintained status of the road. If the board terminates the nonmaintained status of a road under these provisions, the board cannot require the owner to pay the costs of upgrading, maintaining, or repairing the road. The act provides that these provisions do not apply to a road or portion of a road that, prior to being placed on nonmaintained status, was not certified by the board to the Director of Transportation as mileage in the county or township, as the case may be, used by and maintained for the public.

Administrator of the Rehabilitation Services Commission

(R.C. 3304.14)

The Rehabilitation Services Commission provides vocational rehabilitation and other related services to eligible Ohioans with disabilities who seek employment. The Commission's governing authority consists of seven individuals appointed by the Governor. Under prior law modified by the act, among the Commission's duties was the responsibility to appoint an administrator to serve at the pleasure of the Commission. The Commission was required to fix the administrator's compensation

and could delegate to the administrator the authority to appoint, remove, and discipline Commission staff.

The act removes the authority of the Commission to take any action regarding the Commission's administrator. Under the act, the Governor is required to appoint the administrator, who is to serve at the pleasure of the Governor. The Governor must fix the administrator's compensation and may grant the administrator the authority to appoint, remove, and discipline Commission staff.

Technical corrections

The act corrects both of the following:

(1) An incorrect cross-reference in the first sentence of R.C. 4511.181: prior law read "4511.199"; the act corrected it to read "4511.198."

(2) An incorrect amount in R.C. 4511.191(F)(3): prior law read one reinstatement fee of "four hundred twenty-five dollars"; the act corrected it to read "four hundred seventy-five dollars," as prescribed in R.C. 4511.191(F)(2).

NOTE ON EFFECTIVE DATES

(Sections 812.10 through 815.10, 901.10, and 901.11)

Section 1d, Article II of the Ohio Constitution states that "laws providing for tax levies [and] appropriations for the current expenses of the state government and state institutions *** shall go into immediate effect," and "shall not be subject to the referendum." R.C. 1.471 implements this provision with respect to appropriations, providing that a codified or uncodified section of law contained in an act that contains an appropriation for current expenses is not subject to the referendum and goes into immediate effect if (1) it is an appropriation for current expenses, (2) it is an earmarking of the whole or part of an appropriation of current expenses, or (3) its implementation depends upon an appropriation for current expenses that is contained in the act. The statute states that the General Assembly is to determine which sections go into immediate effect.

The act includes a default provision stating that, except as otherwise specifically provided, the amendment, enactment, or repeal of a section in the act is subject to the referendum and takes effect on the 91st day after the act is filed with the Secretary of State (barring the filing of a referendum petition). The act also includes many exceptions to the default provision, some of which provide that the specified provisions are not subject to the referendum and go into immediate effect.

HISTORY

ACTION	DATE
Introduced	02-12-09
Reported, H. Finance & Appropriations	03-05-09
Passed House (53-45)	03-05-09
Reported, S. Highways & Transportation	03-18-09
Passed Senate (22-9)	03-18-09
House refused to concur in Senate amendments (6-92)	03-24-09
Senate requested conference committee	03-24-09
House acceded to request for conference committee	03-24-09
House agreed to conference committee report (70-29)	04-01-09
Senate agreed to conference committee report (31-2)	04-01-09

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